

Febr. 5. L E S 39

TERMES DE LA LEY: OR,

C^h

Certain difficult and obscure Words and
Terms of the Common Laws and Statutes
of this Realm now in use expounded
and explained.

By John Rastell
Newly corrected and enlarged.

With an Addition of above one hun-
dred Words.

H O R. *Multa renascentur qua jam cecidere, cadentque
Qua nunc sunt in honore vocabula, si volet usus.*

L O N D O N,

Printed by John Streater, James Flesher, and
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Cum Gratia & Privilegio Regiæ Majestatis:

17
R 229 ✓

FERME DAYLEY

80

For the purpose of the present work, the
author has drawn on the following sources
of information, and has endeavored to
present a complete and accurate
and exhaustive list.

Materials have been collected from
the following sources:

Rec. Feb. 21, 1900.

and the records of the
above work.

The following is a list of the
sources of information used in the
present work.

1. The following is a list of the
sources of information used in the
present work.

2. The following is a list of the
sources of information used in the
present work.

3. The following is a list of the
sources of information used in the
present work.

To the READER.

I Need not strive much to prove the necessity of this Book, if you consider, that the most accomplished Pleader that ever charm'd his Auditor with Eloquence and Reason began with it; much lesse shall I have difficulty to shew its profitableness to any who looks about and sees how many fair Estates are every day gained by the Professors of this noble Science, to which this little Book must open the door and let them in: But least of all need I suspect, that whoever is convinced of those two Points, its Necessity and Profitableness, will fail to peruse and esteem it.

Though no name of any Authour appears to it, yet my Lord Coke in his Preface to his Tenth Report ascribes it to William Rastal, that reverend Judge; who was eminently knowing both in the Common and Statute Law of this Land, as appears by the many learned Expositions and excellent Cases, which every where occur in it. And we may probably guesse it to be written by him originally in French onely, having some cause to suspect the Translation to be done by a lesse skilful hand: For though by the many Impressions of it, and carelesnesse of Printers, it has suffered much (as other a Books of like nature a V. J. Cowe daily do) yet some Objection lay against the Interpreter, Translator himself; as (to omit others) Chapter is defined to be Locum in quo fiunt communes tractatus Collegiatorum, which was Englished thus odly, A place wherein common Tracts of men Collegiate are made. And for errors of the Presse, they were very numerous and strangely unhappy: as, disseised for die seized, Common Law for Canon Law, deep for deer, necessary for accessary, tiel for viel, rather for either, owner for power, &c. In devastaverunt, sans compulsion was Englished by compulsion. In the word Gild two whole lines were

P R E F A C E.

omitted in the English, and the French imperfect ; so likewise in Garranty and other words. There was also a mistake in Geography in the word Pape, where Rome was said to be 1500 miles from hence, full 500 too much. And still as Impressions were iterated, Errata's increased.

Besides the very many faults which were thus crept into this Book, it was so extreamly misalphabeied, that some words could not be found without much difficulty, I had almost said not at all : for if the Reader finds not the word he seeks in its true place, he commonly lays by the Book with despair.

To remedy these encreasing evils, I was willing to bestow my endeavour ; First, by adding above a hundred words with explications in their proper places, and making references to others where needful. Secondly, by correcting the whole work in what I found amisse, and retrenching some antiquated and tautologicall expressions as they occurred. Thirdly, by adding to some old words such late Statutes as alter or concern the Law established by them. And lastly, by digesting the whole into an exact Alphabet, and taking care to prevent Errours of the Presse.

That I intended well, I can give you but my word : how I have performed, I make my Reader Judge.

Inner Temple 23

April 1667.

T. B.

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TERMS

OF

THE LAW

EXPOUNDED.

Abate.

ABate seems to come from the French Abbatre, i. to destroy or defeat utterly, and has several significations. **As**, to abate a Castle or Fortice (Old Natura brev. fo. 45.) which (in Westm. 1. ca. 17.) is interpreted to beat down. **And**, to abate a Writ is to defeat or overthrow it, by some Error or Exception. Britton ca. 48. **And**, he that steps in to vex the former possessor and his Heir, is said to abate in the Lands. **See** Abatement.

Abatement of a Writ or Plaint.

ABatement of a Writ or Plaint is, when an Action is brought by Writ or Plaint, wherein is want of sufficient and good matter, or else the matter alledged is not cer-

Abater.

ABate semble de venir del Francois Abbatre, i. rescinder, destruire, & ad plusieurs significations. Comme, abater un Chasteau ou Fortice (Vul Nat. br. fo. 45.) q̄ (en Westm. 1. ca. 17.) est interpreté to beat down. Et, abater un Brief est pur le desfaire ou renverser, p̄ aucun Erreur ou Exception. Britton ca. 48. Et, luy q̄ s'entrepole entre le prieur possesseur & son Heir, est dit abater en les Terres. Veies Abatement.

Abatement de Brief ou Plaint.

ABatement de Brief ou Plaint est, quant un Action est port p̄ Brief ou Plaint, en que fault sufficient & bone matter, ou autrement le matter alledge nest certain-

certainment alledge, ou si le Plaintiff, ou Defendant, ou Lieu sont misnomme, ou si la appeare variance perenter le Brief & le Specialtie ou Record, ou que le Brief ou Declaration sont uncertain, ou pur mort del Plaintiff ou Defendant, & pur divers autres semblable causes; donques sur ceux defaults le Defendant poit prier que le Brief ou *Plaint abate*, cest a dire, que le Suit del Plaintiff envers luy cessera ꝑ cest temps, & que il commencera auter temps son Suit, & port un nouvel Brief ou *Plaint*, si il soit ainsi dispose. Mes si le Defendant en aucun Action plede un matter en Bar ꝑ adnuller de Action a tous jours, il ne viendra apres a pleader en Abatement de Brief; mes si apres il appiert in le Record, que est aucun matter apparant pur que le Brief doit estre abate, donque le Defendant ou aucun auter person, *ut amicus Curie*, poit bien plede & monstre ceo en Arrest de Judgment.

Veies les titles de *Brief*, *Misnomer*, & *Variance*, en les *Abridgments*, & le Livre appel *Les Digests del Briefs*, en queux cest matter especialment est fort bien entreat.

tainly set down, or if the Plaintiff, or Defendant, or Place are misnamed, or if there appear variances between the writ and the Specialty or Record, or that the writ or the Declaration be uncertain, or for death of the Plaintiff or Defendant, and for divers other like causes; then upon those defaults the Defendant may pray that the writ or *Plaint* may abate, that is to say, that the Plaintiffs Suit against him may cease for that time, and that he shall begin again his Suit, and bring a new writ or *Plaint*, if he be so disposed. But if the Defendant in any Action pleads a matter in Bar to annul the Action forever, he shall not come afterwards to plead in Abatement of the writ; but if after it appear in the Record that there is some matter apparent for which the writ ought to be abated, then the Defendant or any person, as a friend to the Court, may well plead and shew it in Arrest of Judgment.

See the titles of Writ, Misnomer, and Variance, in the Abridgments, and the Book called The Digests of Writs, in which this matter especially is very well handled.

Fault de sufficient ou bone matrer.

Le matē nest certainement alledge.

Plaintif, }
Defendant, } misnosme.
ou Lieu }

Causēs de Abate-
ment de Brief
ou Plaint:

Variance enter }
Brief, &
Specialty ou
Record.

Uncertainty del }
Brief, &
Count, ou
Declaration.

Mort }
Plaintif, ou
Defendant.

Abatement in Lands.

A Batement in Lands or Tene-
ments is, when a man
dies seised of Lands or Tene-
ments, and one that hath no
right enters into the same be-
fore the Heir; this Entry is
called an Abatement, and he an
Abator. But if the Heir enter
first after the death of his An-
cestor, and the other enter up-
on the possession of the Heir,
this last Entry is a Disseisin to
the Heir. Look in the book of
Entries, fo. 63. c. & 205. d. & 519. c.
where this word Abatement is
called in Latin Intrusio. And
I think it better to call it in
Latin Interpositio, or Intratio
per interpositionem, to make
a difference between this word.

Abatement en Terres.

A Batement en Terres ou
Tenements est, quant
un hom morust seise de tres
ou Tenements, & un q nad
droit entra in mesmes devant
le Heir; cest Entry d'luy est
appel un Abatement, & il un
Abator. Mes si le Heir enter
primes apres le mort de son
Ancestor, & le auter enter
sur le possession del Heir, cest
dernier Entry est u Disseisin
al Heir. Vide livre d' Entries,
fol. 63. c. & 205. d. & 519. c.
lou cest Abatement est appel en
Latin Intrusio. Et jeo entend
destre melius d' appell' ceo en
Latin Interpositio, ou Intratio
per interpositionem, de fair
difference enter ceo parol,

& Intrusion puis le mort de
le Tenant pur vie.

and Intrusion after the death of
the Tenant for life.

Abbe.

Abbot.

A Bbe fuit le sovereign
Teste ou Prihncipal de
ceux Meafons queux quant ils
estoyent fueront. appel Ab-
beys; & cest Abbe ove les
Moigns de m le Meafon,
queux fueront appel le Co-
vent, fiere un Corporac'. Et
tiel Sovereign de ascun tiel
Meafon ne ferra charge per
le act de son predecessor, sil
ne soit per common Seal, ne
p tiel chose que vient al use
de son Meafon. Auxy un
Abbe ne ferra charge pur le
det en que son Commoign fuit
en det devant son entre en
Religion, mesque le Creditor
ad de ceo un especialty, si non
que il avoir devenus al use de
son Meafon: mes les Execu-
tors del Commoign ferra
charge ove ceo.

Vide p ceo en le *Abridg-
ments*, mesme title, desourh
quel vieies coment ascuns de
ceux fueront elective, ascuns
presentative; & coment fue-
ront Prefects, & lour autho-
ritie. Et en cel title sont
auxy comprehend tous au-
ters Corporations spiritual,
come Prior & son Covent,
Friers & Canons, Dean &
Chapter.

A Bbot was the sovereign
Head or Chief of those
Houses which when they stood
were called Abbies; and this
Abbot with the Monks of
the same House, who were
called the Covent, made a
Corporation. Such a Sove-
reign of any such House shall
not be charged by the act of
his predecessor, if it be not
by common Seal, nor for such
things which come to the
use of his House. Also an Ab-
bot shall not be charged for
the debt of his Monks before
his entry in Religion, though
the Creditor have an especial-
ty thereof, except it have
come to the use of his House;
but the Executors of the
Monks shall be charged there-
with.

Look for this in the *Abridg-
ments*, the same title, under
which you shall see that some
of them were elective, some pre-
sentative; and how they were
made Governours, and their
authority. And in this title
are also comprehended all other
Corporations spiritual, as Pri-
or and his Covent, Fri-
ers and Canons, Dean and
Chapter.

Abettors.

Abettors.

A Bettors are in divers cases diversly taken. One kind of Abettors are they that maliciously without just cause or desert, do procure others to sue false Appeals of Murder or Felony against men, to the intent to trouble and grieve them, and to bring them to infamy and slander. Abettors in Murders are those that command, procure, counsel, or comfort others to Murder. And in some case such Abettors shall be taken as Principals, and in some case but as Accessories: So in other Felonies. And their presence at the deed doing, and their absence makes a difference in the case. There are Abettors also in Treason, but they are as Principals, for in Treason there are no Accessories.

See more in the Book called Pleas of the Crown, made by the reverend Judge Sir W. Stamford, in the titles of Accessories, and Damages in appeal.

Abeyance.

A Beyance is when a Lease is made for term of life, the Remainder to the right Heirs of J. S. who is living at the time of the Grant: now by this Grant the Remainder

Abettors.

A Bettors sont en divers cas diversement prise. Un kind de Abettors sont ceux que malicieusement, sans droit cause ou desert, procurent auts à suer faux Appeals de Murder ou Felony envers homes, al intent de troubler & greever eux, & par faire eux en infamy & slander. Abettors en Murder sont ceux que command, procurent, conseil, ou comfort auts de Murder. Et en asc' case tiel Abettors serroient prises come Principals, & en ascun case forsque come Accessories: Ilsint en auter Felonies. Et leur presence a le chose fait, & leur absence d' la fait un difference en le case. Il y ad Abettors auxy en Treason, mes ilsont come Principals, car en Treason il ny ad ascun Accessories.

Veies plus de ceo en le Livre appelle Les Plees del Coyone, compile per le tresreverend Judge Sir W. Stamford, en les titles de Accessories, & Damages en appeal.

Abeyance.

A Beyance est, quant un Lease est fait p' term de vie, le Remainder al droit Heirs de J. S. q'est en vie al temps del Grant: ore per cest Grant le Remainder

passa hors del Grantor main-
tenat, uncor il ne vesta main-
tenat, ne prist effect en le
Grantee, nest adire, le droit
Heir d' J. S. mes est dit destre
en *abeyance*, ou, come les Lo-
giciens appelle ceo, *in poten-
tia*, ou *in intellectu*, &c, come
nous dicimus, *in nubibus*,
cest a cavoir, en le considera-
tion de le Ley, Que si J. S.
morust, ayant un droit Heir
en vie, & vivant le Lessee
pur vie, donques ceo est un
bone Remainder, & a ore ve-
ste, & vient en le dit droit
Heir, en tiel sort, que il poit
grant, forfeit, ou autrement
dispose ceo; & cessa destre ore
en *abeyance*, pur ceo que il
est un a ore de ability par
preder ceo, pur ceo que J. S.
est mort, & ad relinquit son
droit Heir en vie; de quel he
poit estre vivant J. S. car du-
rant son vie nul poit estre
est dit son Heir. Item si un
hom soit Patron d'un Eglise,
& pleint auter a cep, ore est
le Fee des Tens ou Tenements
perseignant al Rectory en le
Parson: mes si le Parson mo-
rust, & le Eglise est deve-
nus voyd, donque est le Fee
en *abeyance*, tanque il soit
un novel Parson present, ad-
mit & induct; car le Patron
nad le Fee, mes solement le
droit de presenter, & le Fee
est en le Incumbent que est
present, & puis son mort il
nest en aucun, mes en *abeyance*,
tanque il soit un

passes from the Grantor pre-
sently, yet it vests not pre-
sently, nor takes hold in the
Grantee, that is, the right
Heir of J. S. but is said to be
in *abeyance*, or, as the Logi-
cians term it, *in potestate*, or in
understanding; and as we
say, in the clouds, that is,
in the consideration of the
Law. That if J. S. die, ha-
ving a right Heir, and liking
the Lessee for life, then this is
a good Remainder, and now
vests and comes to the right
Heir, in such sort, as that he
may grant, forfeit, or other-
wise dispose the same, and
ceases to be any more in
abeyance, for that there is
one now of ability to take it,
because J. S. is dead, and hath
left a right Heir in life, which
could not be, liking J. S. for
that during his life none
could properly be said to be his
Heir. Also if a man be Pa-
tron of a Church, and presents
one to the same, now is the
Fee of the Lands and Tene-
ments pertaining to the Recto-
ry in the Parson; but if the
Parson die, and the Church
is become voyd, then is the
Fee in *abeyance*, untill there be
a new Parson presented, ad-
mitted and inducted; for the
Patron hath not the Fee, but
only the right to present, and
the Fee is in the Incum-
bent that is presented, and af-
ter his death it is in no body,
but in *abeyance*, till there be a
new

new Incumbent, as is afore-
said.

See Litt. lib. 3. ca. 11. fo. 145.
and Perkins fo. 12.

novel Incumbent, come est
avant dit.

Veies Litt. lib. 3. c. 11. fo.
145. & Perk. fo. 12.

Abisherfing.

A Bisherfing (and in some Co-
pies Misherfing) is, to be
quit of Amerciaments before
whomsoever of Transgression
probed.

Abisherfing.

A Bisherfing (& en ascun
Copies Misherfing) est,
quiet' esse d' Amerciamentis
coram quibuscunque de Trans-
gression probata.

Abjuration.

A Bjuration is an Oath that
a man or woman shall
take when they have commit-
ted Felony, and fly to the
Church, or Church-yard, or
to any other place privileged,
for safeguard of their lives,
chusing rather perpetual Ban-
ishment out of the Realm,
then to stand to the Law, and
be tried for the Felony: In
which case, before the Cor-
oner he shall make such con-
fession which may make a
sufficient indictment of Felo-
ny: then the Coroner at the
Common law shall make
him forswear the Realm, and
assign him to what Port
he shall go, and shall swear
him, that he go not out of the
high way, and that he abide
not at the Port (if he may
have good passage) above one
flood and one ebbe; and if
he cannot have passage, then
he shall go every day, during
xl. days, in the Sea to the

Abjuration.

A Bjuration est un Sere-
ment que home ou
feme pregnount quant ils
ount commisse Felony, & fue
al Esglise, ou Cimitery, ou
auter lieu privileged, pur tu-
ition de leur vies, essiant
pluistost perpetual Banish-
ment hors de Royalm, que a
estoyer a le Ley, & destre
trie del Felony: En cel
case, devant le Coroner il
ferra tiel confession que
poit faire sufficient endite-
ment de Felony: donques
le Coroner al Common
ley luy ferra de abjure la
Realm, & assignera a luy
a quel Port il alera, &
luy jura, que il ne va
hors del hault chemin, &
que il ne demorra a le
Port (si il poit aver bone
passage) forsque un flood
& un ebbe; & si il ne
poit aver passage, que il
alera chescun jour, durant
xl. jours, en le Mere a son
gent.

genu. Mes si tiel Felon que abjure ala hors de la chemin & fua a auter lieu, si il soit prise, il serra amesne devant le Judge, & la vera judgment destre pendus.

Et sil que issint pria la privilege ne voile abjure, dōques il avera la privilege p xl. jours, & chescun poit luy doner viand. Et si ascun done luy viand apres xl. jours, mesque il soit la feme, tiel doner est Felony. Auxy cestuy que abjure serra deliver per un Constable al auter, & d'un Franchise al auter, ranque il vient a son Port: & si le Constable ne voit receive luy, il serra grievoulement amercie. Vide Juramentum in tractatu De abjuracione latronum.

Cest Ley fuit institute per S. Edward le Confessor, un Roy de cest Realm devant le Conquest, & fuit ground d le Ley d mercie, & p le amour & reverence que il & auters ses Successors porteront al Meason de Dieu, ou lieu d Prayers & administration de son Parol & Sacraments, le quel nous appelons Eglise. Nota, cel Ley est ore change per Statutes 21 H. 8. cap. 2. 22 H. 8. cap. 14. & 32 H. 8. cap. 12. per queux appiert, que il a cel jour ne abjurera le Realm, mes tout son liberty de cest Realm, & tout son liberal &

knees. But if such a felon as abjures goes out of the high way, and flies to another place, if he be taken, he shall be brought before the Judge, and there shall have judgment to be hanged.

And if he who so prays the privilege will not abjure, then he shall have the privilege for xl. days, and every man may give him meat and drink. And if any give him sustenance after xl. days, although it be his wife, such giving is felony. Also he that doth abjure shall be delivered from one Constable to another, and from one franchise to another, till he come to his Port: and if the Constable will not receive him, he shall be grievously amerced. See the Oath in the Treatise De abjuracione Latronum.

This Law was instituted by Edward the Confessor, a King of this Realm, before the Conquest, and was grounded upon the Law of mercy, and for the love and reverence he and others his Successors did bear unto the House of God, or place of Prayer and administration of his Word and Sacraments, which we call the Church. Note, this Law is now changed by the Statutes 21 H. 8. c. 2. 22 H. 8. c. 14. and 32 H. 8. c. 12. by which it appears, that he at this day shall not abjure the Realm, but all his liberty of this Realm, and all his liberal and

free habitations, resorts, and passages from all places of this Realm, to one certain place in this Realm thereto limited by 32 H. 8. cap. 13. and 33 H. 8. c. 15. See more in *Stamf. li. 2. c. 10.* and see the Statutes 1 Jac. c. 25. and 21 Jac. ca. 28. for the repeal of all Statutes concerning Abjured persons, and the taking away of all Sanctuaries.

frank habitations, resorts, & passage d' tous lieux de cest Realm, a un certain lieu en cel Realm a ceo limit per 32 H. 8. c. 13. & 33 H. 8. c. 15. Vide plus in *Stamf. li. 2. c. 10.* & vide ore le Stat. 1 Jac. c. 25. & 21 Jac. c. 28. pur repeal de tous Statutes q̄ concern persons q̄ abjure, & le toller des tous Sanctuaries.

Abridgment of a Plaint
or Demand.

*Abridgment de Plaint
ou Demand.*

A Bridgment of a Plaint or Demand is, where one brings an *Assise*, writ of *Dower*, writ of *Marriage*, or such like: in which cases, for that the writ of *Assise* is, de libero tenemento, as in a writ of *Dower* the writ is, *Rationabilem dotem que cum contingit de libero tenemento* W. her husband, and in a writ of *Marriage* the writ is, *Custod. terrarum & heredis*, &c. without shewing any certainty in these writs; but in the Plaint of the *Assise*, or Demand in the writ of *Dower*, and in the Count in the writ of *Marriage*, the Plaintiff or Demandant is to shew the certainty of the acres or parcels of Land: then if the Tenant pleads *Nontenure*, or *Joynrentancy*, or some other such like plea to parcel of the Land demanded, in abatement of the writ, the Plaintiff or Demandant may abridge his Plaint or Demand to that parcel, that is, he may leave

A Bridgment de Plaint ou Demand est, lou un port un *Assise*, brief de *Dower*, brief d' Gard, ou tiel semblables: en queux cases, p̄ ceo q̄ le brief de *Assise* est, de libero tenemento, come en brief de *Dower* le brief est, *Rationabilem dotem que cum contingit de libero tenemento* W. son baron, & en un brief de Gard le brief est, *Custod. terrarum & heredis*, &c. sans monstre aucun aut̄ certainty en les Briefs: mes en le Plaint del *Assise*, ou Demand en le brief de *Dower*, & en le Count en brief de Gard, le Plaintiff ou Demandant monstra le certainty des acres ou parcels d' Ter: la si le Tenant plead *Nontenure*, ou *Joynrentancy*, ou asc' aut̄ tiel semblable plea, a parcel del Ter demad, e abateint del Bfe, le Plaintiff ou Demandant poit abridger son Plaint ou Demand al cest parcel, cest adire, il poit omit hors

hors cest part, & prie que le Tenant respondt al rest, a q'il ne ad unc' plede asc' chose. Le cause est, p' ceo q' en tiel Brieft le certainty nest mis, mes est generalment : & nient obstant le Demandant ad abridge son Plaint ou Demand en part, uncore le Brief demurre bon p' le residue.

out that part, and pray that the Tenant may answer the rest, to which he hath not yet pleaded any thing. The cause is, for that in such Writs the certainty is not set down, but is generally : and notwithstanding the Demandant hath abridged his Plaint or Demand in part, yet the Writ remains good still for the rest.

Accedas ad Curiam.

Accedas ad Curiam est un Brief direct al Vicont, luy comandant de aler a tiel Court dascun Seigneur ou Franchise, lou un Plaint est sue pur prisel del avers come Distress, ou ascun faux jugement est suppose estre fait en asc' Suit e tiel Court, quel nest d' Record; & que le Vicont la ferra Record del dit Suit e presence del Suitoys d' mesm le Court, & d' quatuor autres Chivalers de le County, & ceo Record certifiera al Court le Roy, & a cel jour quel est assigne en le Brief,

Accedas ad Curiam.

Accedas ad Curiam is a Writ directed to the Sheriff, commanding him to go to such a Court of some Lord or Franchise, where a Plaint is sued for taking of beasts as a Distress, or any false judgment is supposed to be made in any Suit in such a Court, which is not of Record; and that the Sheriff shall there make Record of the said Suit in presence of the Suitoys of the same Court, and of four other Knights of the County, and certifye it into the Kings Court, and at the day that is limited in the Writ.

Accedas ad Vicecomitem.

Accedas ad Vicecomitem est un Brief direct al Coroner, luy comandant de deliver un Brief al Vicont, q' aiant un Pone a luy delivrer, ceo suppresse. Regist. orig. 83.

Accedas ad Vicecomitem.

Accedas ad Vicecomitem is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff, who having a Pone delivered him, suppresses it. Regist. orig. 83.

Acceptance.

A Cceptance is a taking in good part, and as it were an Agreeing unto some as done before, which might have been imputed and avoided (if such Acceptance had not been) by him or them that so accepted: for example. If a Bishop, before the Statute made 1 Eliz. lease part of the possessions of his Bishoprick for term of years, reserving rent, and diez, and after another is made Bishop, who accepts, that is, takes or receives the Rent when it is due and ought to be paid; now by this Acceptance the Lease is made perfect and good, which else the new Bishop might very well have avoided.

The like Law is, if a man and his wife, seized of Land in right of the wife, join and make a Lease or Feoffment by Deed, reserving rent, and the husband dies, he accepts or receives the rent; by this the Feoffment or Lease is made perfect and good, and shall bar her of bringing a Cui in vita.

Accessories.

A Ccessories are of two sorts, by the Common law, and by the Statute law. Accessory by the Common law is also of two sorts, the one before the offence is done, the other after. Accessory before the fact is he

Acceptance.

A Cceptance est un prestance en bon gree, & come un Agreement al aucun chose fait devant, lequel poit aver este usait & avoid (si tel Acceptance n'ad estre) p' luy ou ceux q' issint accepta: p' example, Si un Evêque, devant Statute fait anno primo Eliz. leste part del possessions de son Evêquery p' ans, reservant rent, & morust, & puis un aut est fait Evêq, le quel accepte, cest adire, prist ou receive le Rêr quant il est due & doit estre pay, ore per cest Acceptance de Lease est fait pfect & bon, le quel auterem le novel Evêq; poit affers bien avoid.

Seimblable Ley est, si un home & sa feme, seisi de Tefs en droit del feme, join & font Lease ou Feoffment p' fait, reservant rent, & le baron morust, el accepte ou receive le rent; p' cel le Feoffment ou Lease est fait pfect & bon, & serra bar a luy de porter Cui in vita.

Accessories.

A Ccessories sont en deux sorts, p' le Comon ley, & p' le Statute ley. Accessory p' le Common ley est auxy en deux sorts, l'un avant le fait est fait, le aut puis. Accessory devant le fait est celuy que

que commanda ou procura
auf d' faire Felony, & nest la
present luy meisme qu'at lauer
le fait; mes sil soit present,
donques il est auxy Principal.
Accessorie puis le fait est
celuy que receiva, favour,
ayda, assist, ou comfirt aucun
home que ad fait aucun Mur-
der ou Felony, dont il ad con-
nusans. Tiel *Accessorie* sera
punish, & avera jugement de
vie & d' meber, auxy bien com-
me le Principal q' fist le Fel-
ony: mes tiel *Accessorie* ne ser-
ra jammes mis a respendu a
ceo tanq' le Principal soit co-
vict ou arraint, ou soit urlage
de ceo. En Manslaught home
ne poit estre *Accessorie* devat le
fait, car Manslaught convient
ensuer sur sodain debate ou
affray; car si soit pmeditate,
ceo est Murdr. Co. l. 4. f. 44. a.

Mes un feme en tiel case
ne sera *Accessorie* p' le aider
de son baron. En grand ou
hault Treason, cibien les co-
manders come les assisters &
receivers sont tout foits
Principals.

Si home counsel un feme
a murder lenfant en sa ven-
ter, & apres lenfant est nee,
& donque est murder per le
feme en le absence de cestuy
que issint done le counsel;
uncore il est *Accessorie* p' son
counselling devat le nestr del
enfant, & nient ceo counter-
mandant. *Lyer* fo. 186. pl. 2.

Auxy un poit estre acces-
sory al *Accessorie*; sicome un

that commands or procures ano-
ther to doe felony, and is not
there present himself when the
other does it; but if he be pre-
sent, then he is also Principal.
Accessorie after the offence is he
that receives, favours, aids, as-
sists, or comforts any man that
hath done any Murder or Fe-
lony, whereof he hath know-
ledge. Such an *Accessorie* shall
be punished, and shall have judg-
ment of life and member, as
well as the Principal which did
the felony: but such an *Access-*
sory shall never be put to answer
that till the Principal be arraine
or convict, or be outlawed there-
upon. In Manslaughter a man
cannot be *Accessorie* before the
fact, for Manslaughter ought to
ensue upon a sudden debate or
affray: for if it be premeditated,
it is Murder. Co. l. 4. fo. 44. a.

But a woman in such case
shall not be *Accessorie* for help-
ing her husband. In great or
high Treason, as well the com-
manders as the assisters and re-
ceivers are always Principals.

If a man counsels a woman
to murder the child in her bo-
dy, and after the child is born,
and then is murdered by the
woman in the absence of him
that so gave the counsel; yet he
is *Accessorie* by his counselling
before the birth of the infant,
and not countermanding it. *Dyer*
fo. 186. pl. 2.

Also one may be access-
ory to an *Accessorie*; as if one
fetes

feloniously receive another that is accessory to felony, there the Receiver is an Accessory.

Accessory by the Statute is such a one as abets, counsels or receives any man who commits, or hath committed any offence made felony by Statute: For although the Statute doth not make mention of Accessories, Abettors, &c. yet they are included by the interpretation of the said Statutes. *Stamf. Pl. cor. li. i. c. 45, 46, 47, 48.*

See more of Accessory in the said Book of Pless, lib. i. cap. 44, 49, & 50.

Accompt.

A Ccompt is a Writ, and it lies where a Bailiff or Receiver to any Lord, or other man, who ought to render Accompt, will not give his Accompt; then he to whom the Accompt ought to be given shall have this Writ. And by the Statute of Westm. 2. c. 10. if the Accomptant be found in arrears, the Auditors that are assigned to him have power to award him to prison, there to abide till he have made satisfaction to the party. But if the Auditors will not allow reasonable expence and costs, or if they charge him with more receipts than they ought, then his next friend that will sue for him shall sue a Writ of *Ex parte talis* out of the Chancery directed to the Sheriff, to take four

feloniously receive un autre q est accessory al Felony, la le Receivour est un Accessory.

Accessory per le Statute est tiel que abet, conseil ou receive aucun home que commit, ou ad commit aucun offence fait Felony per Statute: Car coment que le Statute ne fait mentio d'Accessories, Abettors, &c. uncore ils sont include per le interpretation des dits Statutes. *Stamf. Pl. cor. li. i. c. 45, 46, 47, 48.*

Veies plus del Accessory in le dit Livre de les Pless, li. i. cap. 44, 49, & 50.

Accompt.

A Ccompt est un Brief, & gist lou Bailif ou Receiver dascun Seignior, ou dauter hom, q doit render Accompt, ne voit render son Accompt; donques celuy a q l'Accompt doit estre render avera cest Brief. Et per le Statute de *Westm. 2. c. 10.* si l'Accomptant soit trove en arreages, les Auditors q sont a luy assignes ont power de agarder luy a prison, la a demurrer tanq il ad fait gree al parry. Mes si les Auditors ne voylont allower reasonable expence & costage, ou s'ils chargeront luy ove plusors receipts quant ne duissent, donques son pechein amy q voit suer pur luy suera un Brief d' *Ex parte talis* hors del Chancery, direct al Vic, d pnder 4 Main-

Mainpernors de render son corps devant les Barons del Exchequer a certain jour, & apparer le Seignior d'appeer la a mesme le jour.

Mainpernors to bring his body before the Barons of the Exchequer at a certain day, and to waru the Lord to appear there the same day.

Accord.

Accord.

Accord est un Agreement perent deux al meins, p satisfie un Offence ou Trespals que le un ad fait al aut, pur le quel il ad agree de satisfier & content luy ove Recompence; quel si soit excec & performe, donques pur ceo que cest Recompence est un plene satisfaction pur le Offence, serra un bō Bar en le ley, si lauter, apres l'Accord performe, voir suer arere un Action p mesme le Trespals.

Nota, q le primer est proprement appelle un Accord, le auter est un Contract.

Accord is an Agreement between two at the least, to satisfie an Offence or Trespals that the one hath made to the other, for which he hath agreed to satisfie and content him with some Recompence; which if it is be executed and performed, then, because this Recompence is a full satisfaction for the Offence, it shall be a good Bar in law, if the other, after the Accord performed, shoulde sue again any Action for the same Trespals.

Note, that the first is properly called an Accord, the other a Contract.

Acquital.

Acquital.

Acquital est quant la est Seignior, Mesne, & Tenant, & le Tenant tient de le Mesne certain Tefs ou Tenements in Frank-almoign, Frank-marriage, ou tielx semblables, & le Mesne tiēt ouff auxy d Seignior paramount, ou desuis luy. Oe doit le Mesne acquit ou discharge le Tenant d tout & chescū mafi de Service q ascun aut voir aver ou demad d luy concernant mesmes les Tefs ou Tenements, pur ceo q le Te-

Acquital is where there is a Lord, Mesne, and Tenant, and the Tenant holds of the Mesne certain Lands or Tenements in Frank-almoign, Frank-marriage, or such like, and the Mesne holds over also of the Lord paramount, or above him. Now ought the Mesne to acquit or discharge the Tenant of all and every manner of Service that any other would have or demand of him concerning the same Lands or Tenements, because the Te-

nant

nant must doe his service to the Mesne onely, and not to divers Lords, for one Tenement or parcel of Land. The same law is where there is Lord, Mesne, and Tenant, as aforesaid, and the Mesne grants to the Tenant (upon the tenure made between them) to acquit and discharge him of all Rents, Services, and such like. This Discharge is called *Acquitall*.

Like law is, if the Tenant holds of his Mesne by like Services as the Mesne holds over of the Lord; and the Tenant doth or payes his Services to the Mesne, but the Mesne doth not his Services to the chief Lord, wherefore he distrains the Beasts of the Tenant. In this case the Mesne, for the equalness of the Services, ought to acquit the Tenant of the Service due unto the Lord. Also there is *Acquitall* in law, & *Acquitall* in fact. *Acquitall* in Law is, when two are appealed or indicted of Felony, the one as Principal, the other as Accessory; the Principal being discharged, the Accessory by consequence is also acquitted: And in this case, as the Accessory is acquitted by the Law, so is the Principal in fact. *Stamf. pl. cor. fol. 168.*

Acquittance.

A Acquittance is a Discharge in writing of a summe of money, or other duty which ought to be payed or done. As

nant doit faire le service a le Mesne tant solemt, & nemy al divers Seigniors, p un Tenement ou parcel del Terre. Mesme le ley est ou il est Seign, Mesne, & Tenant, com avantdit, & le Mesne grant al Tentr (sur le tenu fait p e eux) p acquit & discharge luy de routs Rents, Services, & tiels semblables. Ceo Discharge est appel *Acquitall*.

Mesme le ley est, si Tenant tient de son Mesne pauciel Services come le Mesne tient ouster del Seignior, & le Tenant fait ou paya Services al Mesne, mes le Mesne ne fesoit ses Services al Seignior paramount, p que il distrain les Beasts del Tenant. En col case le Mesne, per le oveltrie des Services, doit acquit le Tenant del Services due al Seignir. Auxy la est *Acquitall en ley*, & *Acquitall en fait*. *Acquitall* e Ley est, ou deux sont appeal' ou epdict de Felony, lun coe Principal, l'auter coe Accessory; le Principal esteant discharge, le Accessory p consequent est auxy acquit: Et en cest case, sicome l' Accessory est acquit per le Ley, issint est le Principal e Fait. *Stamf. pl. cor. fol. 168.*

Acquittance.

A Acquittance est un Discharge en escript dun summe d money, ou aut dutie que doit estr pay ou fait. Si-

Sicomm un son obliege de payer money sur un Obligation, ou Rent reserve sur un Lease, ou tiel semblable, & le party a que le money ou duty doit est pay ou fait, sur le receipt de ceo, ou sur ault agree- ment perenter eux ewe, fait Escrip ou Bill de son mayne en discharge de ceo, testmoi- gnant que il est pay, ou au- terment content, & p ceo ac- quite & discharge luy d ceo. Le quel Acquittance est tiel Discharge & Bar e la Ley, q il ne poit demad & recover in le sum ou duty aultois, sil poit mostre le Acquittance.

Cest parol differt ab hoc quod in Jure Civili Acceptatio dicitur, quia illud fieri potest verbo sive scripto, & nihil aliud est quam ficta Solutio & Liberatio, licet solutio non sit: Nec Apocha dici potest, quae cautio est solutae datae pecuniae, quae non liberat nisi pecunia soluta sit.

Acre.

ACre est un certain par- cel de Terre q contain en longeur 40 Perches, & en latitude 4 Perches, ou a cest quantity, soit le longeur plus ou meines. Et si un hoe voile erect un novel Cottage, il de- voit a mitter quater Acres de terre a ceo, solong cest mea- sure; 31 Eliz. cap. 7. Et ove cest measure agree Monsieur

if one be bound to pay money upon Obligation, or Rent refer- ved upon a Lease, or such like, and the party to whom the mo- ney or duty should be paid or done, upon the receipt thereof, or upon other agreement between them had, makes a Writing or Bill of his hand in discharge thereof, witnessing that he is paid, or otherwise contented, and therefore doth acquit and dis- charge him of the same. Which Acquittance is such a Discharge and Barre in the Law, that he cannot demand and recover the sum or duty again, if he produce the Acquittance.

This word differs from that which in the Civil Law is cal- led Acceptatio, because that may be by word without writing, and is nothing but a feigned Pay- ment and Discharge, though no payment be had: Nor can it be said to be Apocha, which is a wit- nessing the payment or delivery of money, which discharges not unless the money be paid.

Acre,

ACre is a certain parcel of Land that contains in length forty Perches, and in breadth four Perches, or of this quantity, be the length more or less. And if a man will erect a new Cottage, he ought to lay four Acres of land unto it, according to this mea- sure, 31 Eliz. cap. 7. And with this measure agrees Master Crompton

Crompton, in his Jurisdiction of Courts, fol. 212. **P**er he saith that, according to divers customs of several Countries, the Perch differs, being in some places (and most usually) but sixteen foot and an half: But in the County of Stafford the Perch is twenty four foot, as was heretofore adjudged in the Exchequer. In the Stat. made an. 24 H. 8. 14. for the sowing of Flax, 160 Perches make an Acre. The Ordinance of Measuring of land made an. 34 E. 1. St. 1. agrees with this account.

Crompton, en son Jurisdiction de Courts, fol. 222. Uncore il dit que, solonque les divers custöes de several pais, le Perch differt, esteät en asc' lieux (& plus usualmēt) forsq' dixsize pees & demi: Mes en le Countie de Staff. le Perch est vint quat pees, com' suit cy devär adjudge en le Excheqr. En le Staë fait añ 24 H. 8. ca. 14. p' ebleemēt d' Flax, 160 Perches söt ü Acre. L'Ordinace d' Admeasurēm de tre fait añ. 34 E. 1. Stat. 1. agree ove cest account.

Action.

Action.

Action is the form of a Suit given by the Law to recover a thing, as an Action of Debt, and such like; or as it is Co. 8. f. 151. a. **A**n Action is a right of prosecuting to Judgement that which is due unto any one.

See the Lexicon of the Law, for Action.

Action est le forme de un Suit döe per le Ley de recover chose, come Actio de Dett, & tielx semblable; ou come est Co. 8. f. 151. a. *Actio est jus prosecuendi in Judic' quod alicui debetur.*

Vide Lexicon Juris, pur Action.

Action of a Writ.

Action del Brief.

Action of a Writ is a phrase of speech used when one pleads some matter, by which he shews the Plaintiff had no cause to have the Writ which he brought, & yet it may be that he may have another Writ or Action for the same matter. Such a Plea is called a Plea to the Action of the Writ: whereas if by the Plea it should appear that the Plaintiff hath no cause to have an Action

Action del Brief est un phrase del parlance use quant un pleade ascü matter, per q' il monst' que le Pl' nad cause daver le B're q' il port, & uncoř poit estre que il poit aver auter Brief ou Action p' mesm le matter. Tiel Plee est appel *Plea al Action del Brief*: lou si per la Plee appiert que le Plainf naveroit ascun cause de aver ascun Action

pur le chose demand, don-
ques ceo serra dit Plee al
Action.

for the thing demanded, then it
shall be called a Plee to the
Action.

Action sur le Case.

Action sur le Case est Brief
port envers un pur ascū
offence fait sans force, come
p nient pformāce del Promise
fait p le Defendant al Plainē,
ou pur parlançe des pols pur
queux le Plainē est defame,
ou pur aūc misdemeanor ou
deceit; lou tout le Case serra
contenus en le Brief.

Action upon the Case.

Action upon the Case is writ
brought against one for an
offence done without force, as
for not performing promise made
by the Defendant to the Plain-
tif, or for speaking of words by
which the Plaintiff is defamed,
or for other misdemeanor or de-
ceit; where the whole Case shall
be contained in the writ.

Action mixt.

Action mixt est un Suit
done p la Ley & recover
le chose demand, & dama-
ges p le tort fait; come en
Assise de Mort. disseisin. Quel
Bfe (si le Disseisor fait Feoffm
al aut) le Disseisee avera vers
le Disseisor & le Feoffee ou
aūc Ter-tenāt, & ē ceo reco-
vera sō Seisin del tē, & ses
damages p le mean pfts, & p
le tort a luy fait. Et issint est
un Action de *Wast & Quare
impeit*. Mes un Actiō de De-
tinue nest appel *Action mixt*,
comint p ceo le chose dete-
nus est demand, & serra reco-
ver si poir estre trove, & dāa-
ges p la detain; & si ne poir
estre trove, donque damages
pur la chose & la detainer.

Mes ceo est appel solemt
Action personal, que serra
port solement pur Biens,

Action mixt.

Actiō mixt is a Suit given by
the Law to recover the thing
demanded, and damages for the
wrong done; as in *Assise of Novel
disseisin* which writ (if the Disseisor
make a Feoffm. to another) the
Disseisor & the Feoffee or other
Ter-tenant, & thereby shall reco-
ver his Seisin of the land, & his
damages for the mean profits, &
for the wrong done him. And so
is an Action of *Wast & Quare im-
pediit*. But an Action of *Detinue*
is not called an Action mixt, al-
though by it the thing withheld
is demanded, & shall be recovered
if it may be found, & damages for
the withholding; & if it cannot
be found, then damages for the
thing and the detaining.

But that is called onely an
Action personal, because it shoul-
be brought onely for Goods.

and Chattels, or Charters. ou Chattels, ou Charters.

Action upon the Statute.

Action sur le Statute.

Action upon the Statute is a Writ founded upon any Statute, whereby an Action is given to one in any case where no Action was before: As where one commits Perjury to the prejudice of another, he who is injured shall have a Writ upon the Statute and his Case. And the difference between an Action upon the Statute and Action popular is, That where the Statute gives the Suit or Action to the party grieved, or otherwise to one person certain, that is called Action upon the Statute: But where by the Statute authority is given to every one that will to sue, that is termed Action popular.

Action sur le Statute est Brief foundue sur ascun Statute, lou p ascun Statute Action est done a un en ascun case lou nul tiel Action fuit devant: Come lou un comit Perjury al prejudice dun ault, celuy que est damnifie avera Brief sur le Statute & son Case. Et le difference enter Action sur le Statute & Actiō popular est, Que lou le Statute done le Suit ou Action al party grieve, ou autrement a un person certain, ceo est appel *Action sur le Statute*: Mes lou per le Statute authoritie est done a chescun que voile de suer, ceo est appel *Action popular*.

Actions personal.

Actions personal.

Actions personal are such Actions whereby a man claims debt, or other goods and chattels, or damage for them, or damages for wrong done to his person; and it is property that which in the Civil law is called Actio in personam, which is brought against him who is bound by Covenant or Default to give or grant any thing.

Actions personal sont tiels Actions per queux hom clame dette, ou auter biens & chareux, ou damag' p eux, ou damage pur tort fait a son pson, & est pperment cē que en le Civil ley est appel *Actio in personam, que adversus eum intenditur qui ex Contractu vel Delicto obligatus est aliquid dare vel concedere*.

Actions popular.

Actions popular.

Action popular is an Action given upon the breach

Action popular est ū Action que est done sur le breach

breach dascun penal Statute, le quel Actiō chescū home q̄ voit poit suer pur luy meisme & le Roy, per information ou autrement, come le Statute allow, & le case require. Et de ceux Actiōs il y ad infinite number; mes un pur example est: Quant ascun del Jury, que sont impanel & jurus de passer perenter party & party indifferment, prist ascun chose de lun part ou lautre, ou de ambideux parties, p̄ lour Verdict dire al ceo part, donques ascun hom̄ que voit, deins lan procheine ensuant le offence, poit suer un Brief appel *Decies tantum* envers luy ou ceux q̄ isint prist p̄ lour Verdict dire. Et par ceo que cest Actiō nest done al un home specialm̄t, mes generalm̄t al ascū de les people del Roy q̄ voit suer, il appel un *Actiō popular*. Mes en cel case quāt ū avoit cōmēce d̄ psuer cel Actiō, nul aut poit c̄ suer; & c̄ c̄, cōe s̄e, cel vary del Actiō popul' p̄ le Civil ley

of some penal Statute, which Action every man that will may sue for himself and the King, by information or otherwise, as the Statute allows, and the case requires. And of these Actions there are an infinite number; but one for example: As when any of the Jury, that are impanelled and sworn to passe between party and party indifferently, do take any thing of the one side or other, or of both parties, to say their Verdicts on that side, then any man that will, within the year following the offence, may sue a writ called *Decies tantum* against him or them that so did take to give his Verdict. And because this Action is not given to one specially, but generally to any of the Kings people that will sue, it is called an Action popular. But in this case when one hath begun to pursue an Action, no other may sue it; and in this, as it seems, it varies from an Action popular by the Civil law.

Actions real.

Actions real sont tiels Actions p̄ queux le Demandāt claime title al ascun T̄res ou Tenements, Rent ou Cōmons, en fee-simple, fee-tail, ou p̄ terme de vie. Chescū Actiō real est ou possessor, cest-ascavoir, de son possēsiō ou seisin demesne; ou ancestrel, sc. del seisin ou possession

Actions real.

Actions real are such Actions whereby the Demandant claims title to any Lands or Tenements, Rents or Commons, in fee-simple, fee-tail, or for term of life. Every Action real is either possessor, that is, of his own possession or seisin; or ancestrel, sc. of the seisin or possession

of his ancestoz. Co. lib. 6. fol. 3, de son ancestoz. Co. l. 6. fol. 3.

Acts.

Acts.

Acts of Parliament are positive Laws, which consist of two parts, that is to say, of the words of the Act, and of the sense; and they both joyned together make the Law.

Acts de Parliament sont Leys positive, que cōsist d' deux parts, cest adire, de les parolx del act, & del sense de ceo; & ils ambideux joint ensemble font la Ley.

Additions.

Additions.

Addition is that which is given to a man besides his proper name and surname, that is, to shew of what Estate, Degree, or Myserie he is, and of what Town, Hamlet, or County.

Additions of Estate are these, Yeoman, Gentleman, Esquire, and such like.

Additions of Degree are these which we call names of Dignity; as Knight, Earl, Marques, Duke.

Additions of Myserie are, Scrivenery, Painter, Mason, Carpenter, and all other of like nature; for Myserie is the craft or occupation whereby a man gets his living.

Additions of Town, as Dale, Dale; and so of the rest.

And where a man hath household in two places, he shall be said to dwell in both of them; so that his Addition in one of them shall suffice.

By the Statute An. 1 H. 5. c. 5. was ordained that in Suits or Actions where process of Writ

Addition est ceo que est done al home ouster son proper nosme & surnosme, cō adire, p monstrer de quel Estate, Degree, ou Mystery il est, & de que Ville, Hamlet, ou County.

Additiōs d' Estate sōt ceux, Yeoman, Gentleman, Esquire, & tiels semblables.

Additiōs d' Degree sōt ceux q nous appellomous nosmes de Dignity; come Chivaler, Count, Marq's, Duc.

Additions de Myserie sont ceux, Scrivein, Painter, Masō, Carpent, & routs aus d' semblable natū; car Myserie est le craft ou occupation p que home gaine son living.

Additiō de Villes, cōe Dale, Dale; & issint de les auters.

Et lou un home ad household en deux lieux, il serra dit demurrer en ambideux; issint q son Addic' en un d' eux suffist.

Fuit ordeine per le Statute. An. 1 H. 5. c. 5. que en Suites ou Actions ou proces d' Writ

gary gift, tiels Additions sera al nosme del Defend^r, a declarer son estate, myserie, & lieu ou il inhabite ; & que tiels Briefs abateront, s'ils neount tiels Additions, si le Defend^r prist exception a ceo ; mes ils ne abateront p office del Court.

Aux Duke, Marqs, Coûte, ou Chivaler, ne sont pas de ceux Additōs, mes nosmes d Dignity, queux duissent aver esté done devant le Statute.

Et ceo fuit ordeine per le dit Statute fait 1 H. 5. cap. 5. al intent que un hom ne ferroit greeve ne trouble per le Utlagarie de un autre : Mes que per reason de le certain Addition, chescun home poit estre certainement conus, & porter sa burden demesne.

Adjournment.

A *Djournment* est, quant ascun Court est dissolve & determin a present, & assign destre garde arrere al autre lieu ou temps, & (moy semble) est cōpound de deux parols (*ad*, ou *al*, & *jow*.)

Admeasurement de Dower.

A *Dmeasurement de Dower* est ū Brief q gift lou ū feme est endow per ū Infant ou p un Gardein de plus q devoit aver ; le Heir en tiel

gary lies, such Additions should be to the name of the Defendant, to shew his estate, mystery, and place where he dwells ; & that such Writs shall abate, if they have not such Additions, if the Defendant take exception there to ; but they shall not abate by the office of the Court.

Also Duke, Marquess, Earl, or Knight, are none of those Additions, but names of Dignity, which should have been given before the Statute.

And this was ordained by the said Statute made 1 H. 5. cap. 5. to the intent that one man might not be grieved nor troubled by the Utlary of another : But that by reason of the certain Addition, every man might be certainly known, and bear his own burden.

Adjournment.

A *Djournment* is, when any Court is dissolved and determined for the present, and assigned to be kept again at another place or time, and (methinks) is compounded of two words, (*ad*, or *al*, and *jour*.)

Admeasurement of Dower.

A *Dmeasurement of Dower* is a Writ that lies where a woman is endowed by an Infant or by a Guardian of more than she ought to have ; the Heir in such

case shall have this writ, where by the woman shall be admeasured, & the Heir restored to the overplus. But if one abate, that is, one who hath no right enter after the death of the husband, and indow the wife of him that is dead of more then he ought to have, the Heir shall not have this writ, but Assise de Mortdancester against the woman: & if she plead that she was endow'd of the land as of the freehold of her husband, the Heir shall shew how she was indowed by the Abator, and that she had more then she ought to have, and shall pray that he may be restored to the surplusage; and if it be found, he shall be restored.

Admeasurement of Pasture.

Admeasurement of Pasture is a writ that lies where many Tenants have Common appendant in another ground, and one overcharges the Common with many beasts: then the other Commoners may have this writ against him. And also it may be brought by one Commoner onely: but then it ought to be brought against all the other Commoners, & against him that surcharged, for that all the Commoners shall be admeasured.

And this writ lies not against him nor for him that hath Common appurtenant, or Common in grosse; but those who have Common appendant, or Common because of vicinage.

case avera cest Brief, per quel la feme serra admeasured, & le Heir restore a le surplusage. Mes si un abate, cest adire, un que nad droit enter apres le mort de baron, & endow la feme de cestuy que est mort de plus que doit aver, le Heir navera cest Brief, mes Assise de Mortdancester, vers la feme: & si el plede que el suit endowe de ceo terre come del Franktenement sa baron, le Heir monstre coment el suit endow per le Abator, & que el ad plus que devoit aver, & priera q'il soit restor ad surplusage; & si soit trove, il serra restore.

Admeasurement de Pasture

Admeasurement de Pasture est un Brief, & gist lou plusors Tenants ont Common appendant en autr' t'ce, & n' surcharge le Comon ove plusors avers: donques l'auters Commoners poient aver cest Brief vers luy. Et aux poit esli' port p'un Comon' seulement: mes dorques covient estre port vers tous l'auters Comoners, & vers cestuy que surcharge, p' ceo que tous les Comoners ferront admeasures.

Et ceo B're ne gist vers luy ne p' luy que ad Common appurtenant, ou Common in grosse; mes ceux que ont Common appendant, ou Common p' cause de vicinage.

Vide le diversity de tout ceux Commons apres en le Title de *Common*.

Auxy cest Brief ne gist p le Seignior, ne vers le Seignior, mes le Seignior poit distraire les avers le Tenât que sont surplusage. Mes si le Seignior surcharge le Common, les Commoners nont remede per le Common ley, mes un Assise de son Common.

Administrator.

Administrator est celuy a que le Ordinarie commit le Administration des biens le mort pur default de Executor, & u Action giser vers luy, & pur luy, come pur Executor, & serra charge jesses al value des biens le mort, & nient ouster, sil ne soit p son faux Plea, ou pur ceo q il ad wast les biens le mort. Si le Administrator devie, ses Executors ne sont Administrators, mes covient al Ordinarie de comitter novel Administration. Et si un estrange, que nest Administrator ne Executor, prist les biens del mort, & administer de son tort demesne, il serra charge & sue come Executor, & nemy come Administrator, en aucun Action que est port vers luy per aucun Creditor. Mes si le Ordinarie fait un Brief *ad colligendum bona defuncti*, celuy que ad tiel Lett nest Administrator, mes le

See the diversity of all these Commons afterwards in the Title of *Common*.

Also this Writ lies not for the Lord, nor against the Lord, but the Lord may distraire the beasts of the Tenant that are surplusage. But if the Lord overcharge the Common, the Commoner hath no remedy by the Common law, but an Assise of his Common.

Administrator.

Administrator is he to whom the Ordinary commits the Administration of the goods of a dead man for default of an Executor, and an Action shall lie against him, and for him, as for an Executor, and he shall be charged to the value of the goods of the dead man, and no farther, unless it be by his own false Plea, or by wasting the goods of the dead. If the Administrator die, his Executors are not Administrators, but it behoves the Ordinary to commit a new Administration. And if a stranger, that is not Administrator nor Executor, take the goods of the dead, and administer of his own wrong, he shall be charged and sued as an Executor, and not as Administrator, in any Action brought against him by any Creditor. But if the Ordinary make a Letter *ad colligendum bona defuncti*, he that hath such a Letter is not Administrator, but the

Action

Action lieth against the Ordinarie, as well as if he take the goods in his own hand, or by the hand of any of his servants by any other commandment.

Action gist vers le Ordinarie, auxy bien corn sil prist le biens en son main d'mesne, ou p le main de asc' de ses servants per ascun auter commandement.

Admiral.

Admiral is a high Officer that has the Government of the King's Navy, and the hearing and determining of all Causes as well civil as criminal belonging to the Sea; and to that purpose hath his Court called the Admiralty. He may cause his Citation to be served upon the Land, and take the parties body or goods in execution upon the Land.

Also he hath cognisance of the death or maihem of a man, committed in any great Ship sailing in great Rivers in the Realm, beneath the Bridges of the same next the Sea.

Also to arrest Ships in the great Streams for the Voyages of the King and Realm; and hath jurisdiction in the said Streams during the same Voyages.

Ad quod damnum.

Ad quod damnum is a Writ which ought to be sued before the King grant certain Liberties, as a Fair, Market, or such like, which may be prejudicial to others. And thereby it shall be inquired if it should be a

Admiral.

Admiral est un haut Officier q ad le reglement de la Navy del Roy, & l'audition & termination de tout Causes cybien civil cõe criminal appartenant al Mere; & p cest purpose il ad son Court appel le Admiralty. Il poit causer son Citation destř serve sur le Terř, & pręder le corps del partie ou biens en execuc' sur Terre.

Item il ad cognisance del mort ou maihem de un home, fait en ascũ grand Nief flecant en grand Rivers en le Realm, debase les Põs de eux prochein al Mere.

Auxy p arrest Niefs en les grand Streams p les Voyages del Roy & Realm; & ad jurisdiction en les dits Streams durant mesmes Voyages.

Ad quod dampnum.

Ad quod dampnum est un Brief q doit estř sue devant le Roy grant certain Liberties, come Faire, Market, ou tielx semblables, qux poięt estř prejudicial al ausř. Et p ceo serra inquire si serroit prejudice

prejudice a grantier eux, & a
que serra prejudicial, & que
prejudicio ent avienda.

prejudice to grant them, and to
whom it shall be prejudicial, and
what prejudice shall come there-
by.

Advent.

Advent.

ADvent est un temps q
contein environ un
moys prochein devāt le Feast
del Nestr de nre Saviour
Christ. En que nre ancestors
ont repose grand reverēce p
le ppinquity d cel solepe
Feast, istint q ronts Suits en
ley fuef. donques remir pur
un season. Pur quoy la fuit
un Statute ordein, *West. i. cap.*
48. que nient obstant le dit
Solemnity, puit estre loyal,
en respect de Justice & Cha-
rity, a prender Assises d No-
vel disseisin & Darreine pre-
sentment, en le temps de Ad-
vent, *Septuagesima*, & *Qua-*
dragesima. Cest un des temps
d le commencer d q l usque
a les Octaves de l'Epiphany
le solemnizing de Espousals
sont phibit destre solempne
sans especial Licence, accor-
dant a les versēs :

*Conjugium Adventus prohibet,
Hilarique relaxat :*
*Septuagena vetat, sed Paschæ
Octava reducit.*
Rogatio vetitat, concecit
Trina potestas.

Advowson.

ADvowson est, lou ū hōe
& ses heirs ont droit de

ADvent is a time which con-
tains about a moneth next
before the Feast of the Nativity
of our Saviour Christ. In
which our ancestors repoted
great rderence for the nearness
of that solemn Feast; so that
all Duties in law were then re-
mitted for a season : wherefore
there was a Statute ordained
Westm. i. cap. 48. that, notwith-
standing the said Solemnity, it
might be lawfull, in respect of
Justice and Charity, to take As-
sises of Novel disseisin and Dar-
reine presentment, in the times
of Advent, *Septuagesims*, and
Lent. This is one of the times
from the beginning of whiche
untill the Octaves of Epiphany
the solemnizing of Marria-
ges is prohibited to be so-
lemnized without special Li-
cense, according to the ver-
ses :

*Advent all Marriage forbids,
Hilarie's Feast to Nuptials tends :*
And Septuagint no Wedding rids,
Yet Easter's Octaves that amends.
Rogation hinders hastie Loves,
But Trinity that lett removes.

Advowson.

ADvowson is, where a man
and his heirs have right to
present

present their Clerk to a Person= age, or other Spiritual Benefice, when it becomes void. And he which hath such right to present is called Patron.

présenter leur Clerk al un Parsonage, ou aut espiritual Benefice, qst il devient void. Et celuy q ad tiel dft d presenter est appel Patron.

Affeerors.

Affeerors are such as be appointed in Court-leets, &c. to mulct those who have committed any fault which is arbi= trarily punishable, and for which no express penalty is prescribed by Statute. You may see the form of their Oath in Kirchin, fol. 46. If the Jurors in the Leet receive the Articles, and being commanded to answer to them and present, they refuse so to doe, then they shall be amerced; yet the Amerciament of every Juror shall be assessed according to his offence. So in Writ of Novel disseisin all the Disseisors shall be amerced, and every one shall be assessed by himself. But if a Town be amerced, there the Assessment shall be general, for there is not any certain person named, as in the cases aforesaid. And if a Jury in a Leet tax an Amerciament, this suffices without any Assessment; for the Amerciament is the act of the Court, and the Assessment is the act of the Jury. Cok. lib. 8. fol. 39, 40. b.

Affiance.

Affiance is, the plighting of troth betwixt a man and a

Affeerors.

Affeerors sont tiels que sont designe en Court-leets, &c. a mulcter tiels que ont commit ascun peche que est arbitrairement punishable, & p qd nul expresse penalty est prescribe per Statute. Poies veier le forme d leur Sereint en Kitch. fo. 46. Si les Jurors en un Leet recevoient les Articles, & esteant command a respond al eux & pfer, ils refuse issint a faire, donq ils seront amercie; uncore l'Amerciament de chescun Juror serra assere solong a so offee. Issint en Assise de Novel disseisin tous les Disseisors seront amercie, & chescun serra assere p luy. Mes si un Ville soit amercie, la l'Asserace serra geeral, car la nest asc' certain pson nomm, come en les cases pavat dit. Et si un Jury en u Leet taxe un Amerciament, ceo suffist sa asc' Asserement; car l'Amerciament est l'act del Court, & l'Asserement l'act del Jurie. Co. lib. 8. f. 39, 40. b.

Affiance.

Affiance est, le plighé del soy ené homi & feme

feme sur un agreement dū
Mariage destz solemnize enf
eux ; & *affidare*, de q̄l cest
parol est deriue, est tant a
dire cōm *fidem ad alium dare*.
Et cest parol *Affiance* est use
per Littleton, chapter de
Dower, sect. 39.

Afforest.

Afforest est, converter
terre en Forest. *Charta*
de Foresta, cap. 1. & 30. Anno
9 Hen. 3.

Affray.

Affray venust del parol
Frācois (*effrayer*), q̄ sig-
nifie *terrere* sive *horrificare*; &
issint un Affray poit estre sās
parol ou buffe done, & issint
cest parol est use en le Stat de
North. 2 E. 3. cap. 3. Mes
en nre livres c' parol est plus
foits confound ove le parol
Affault, come appiert per
Lambert en son *Eirenarch*.
lib. 1. c. 17. Mes uncore,
cōm est la dit, ils differont
en ceo, q̄ un Affault nest fors-
que un tort al party, mes un
Affray est un tort al bien
publiq̄ : & p̄ ceo un Affray
est inquirable & punishable
en un Leet. Auxy un Affault
est fait plus tost forsque sur
lun part; mes un Affray est le
cōbatre de plusors ensemble.

woman upon an agreement of a
Marriage to be had between
them; and *affidare*, from whence
this word is deriued, is as much
as *fidem ad alium dare*. And
this word *Affiance* is used
by Littleton, chapter Dower,
sect. 39.

Afforest.

Afforest is, to turn ground
into Forest. *Charta* de
Foresta, cap. 1. & 30. Anno 9
Hen. 3.

Affray.

Affray comes of the French
word (*effrayer*), which sig-
nifies to affright or scare; there-
fore an Affray may be without
word or blow given, and so this
word is used in the Statute of
North. 2 E. 3. cap. 3. But it is
in our books many times con-
founded with the word Affault,
as it appears by Lambert in his
Eirenarch. lib. 1. cap. 17. Yet,
as it is there said, they differ
in this, that an Affault is but
a wrong to the party, but
an Affray is a wrong to the
Commonwealth: and there-
fore an Affray is inquirable and
punishable in a Leet. Also
an Affault is made most com-
monly but on one side; but an
Affray is the fighting of many
together.

Age prier.

A Ge prier is, when an Action is brought against an Infant for Land which he hath by descent, there he shall shew the matter to the Court, and shall pray that the Action may stay till his full age of 21 years, and so by award of the Court the Suit shall surcease.

But in a Writ of Dower and in Affise, and also in such Actions where the Infant is supposed to come to the Land demanded by his own wrong, he shall not have his age.

And note well, that there are many diversities of Ages. For the Lord shall have aid of his Tenant in Socage to marry his daughter, when the daughter is of the age of 7 years, and aid to make his son and heir a knight, when he is of the age of 7 years.

A woman who is married at the age of 9 years, if her husband die seised, shall have Dower, and not before.

And 14 years is the age of a woman, who shall not be in Ward, if she were of such age at the time of the death of her Ancestor; but if she were within the age of 14 years, and in Ward of the Lord, then she shall be in Ward till the age of 16 years. And 21 years is the age of the heir male to be in Ward, and after that out of Ward.

Also that is the age of male

Age prier.

A Ge prier est, quant Action est port vers Enfant de Terré que il ad p descent, la il monstra le matter al Court, & prayera que le Acc^r demur ranque a son pleine age de 21 ans, & issint p agarde de Court le Suit surcessera.

Mes en Brief de Dower & en Affise, & auxy en tiels Actions lou le Infant est suppose a venter al Terre en demand de son tort demesne, il navera sa age.

Auxy nota, que sont plusieurs diversities de Ages. Car le Seignior avera aide de son Tenant en Socage pur marrier sa fille, quant la fille est del age de sept ans; & aide pur faire son fits & heir Chivaler, quant il est del age de sept ans.

Feme q est espouse al age de 9 ans, si sa baron morust seisi, avera Dower, & nemy devant.

Auxy 14 ans est le age de feme, que ne serra en Gard, si el fuit de tiel age al temps del mort son Ancestor; mes si el fuit deins age de 14 ans, & en Gard son Seignior, donques el serra en Gard tanq al age de 16 ans. Et 21 ans est le age de Heire male destre en Gard, & apres ceo hors de Gard.

Et auxy il e le age de male &

& female de suer & destr̄ sue
des Terres q̄ ils ont ou claim
per discent, & de faire tous
manners de Contrasts &
Bargains, & nient devant:
mes si tiel enfant deins age
de 21 ans doñ ses biens, & le
Donec eux prist, le enfant
poit aver un Action d̄ Tres-
passe: mes aurerunt il est fil
deliver eux. Vide Coke l. 3.
fol. 13. a. l. 6. f. 3.

Agent & Patient.

Agent & Patient est,
quant un home est le
feasor d'un chose, & le partie
a que il est fait, cōe lou feme
endow luy mesm de la plus
belle part del possession de sa
baron. Isint si hōe ad dix
livers issuant hors d̄ certain
fre, & il disseise le Tenāe del
fre en Assise port p̄ le Dissei-
see, le Disseisor recoupera le
Rent en le damages; Isint
que ou le mesm p̄s del fre
en tiel case fueront al value d̄
13 livres, le Disseisee recovra
forsque trois livres. Auxy si
l'home soit endette a un auter,
& puis fait le partie a q̄ il est
issint endette son Executor,
& morust, le Executor poit
retein tant des biens del
mort en ses mains edme son
Dette demesl̄ ambuntera; &
p̄ ceo Detainer il est le Agent
& le Patient, cestascavoir,
le partie a que le Dette est
due, & le partie que ceo
paya.

and female to sue and to be sued
for Lands, which they have or
claim by descent, and to make
all manner of Contrasts and
Bargains, and not before: but
if such an infant within the age
of 21 years give his goods, and
the Donec take them, the infant
may have an Action of Tres-
pass: but otherwise it is if he
deliver them himself. See Coke
lib. 3. fol. 13. a. l. 6. f. 3.

Agent & Patient.

Agent & Patient is, when a
man is the doer of a thing,
and the party to whom it is
done; as where a woman en-
dows her self of the fairest posses-
sion of her husband. So if a
man hath ten pounds issuing out
of certain land, and he disseises
the Tenant of the land in an
Assise brought by the Disseisee,
the Disseisor shall recoupe the
Rent in the damages; so that
where the mean profits of the
land in such case were to the va-
lue of 13 l. the Disseisee shall re-
cover but three pounds. Also if
a man be indebted to another,
and after makes the party to
whom he is so indebted his Exe-
cutor, and dies, the Executor
may retain so much of the goods
of the dead in his hands as his
own Debt amounts to; and by
this Retainer he is the Agent
and the Patient, that is, the par-
ty to whom the Debt is due,
and the party that pays the
same.

But

But a man shall not be judge in his own case, as is resolved, Coke lib. 8. fol. 118. in Bonham's Case. That the Censors cannot be Judges, Ministers, and Parties; Judges to give sentence or judgment, Ministers to make summons, and Parties to have the half of the forfeiture. And although an Act of Parliament yields to any one, to hold or to have compliance of all manner of Pleas arising before him within his Manor of D; yet he shall hold no Plea to which he himself is party: Quia iniquum est aliquem sui rei esse judicem.

Agist.

A Gist seems to come of the French giser, (i. jacere) or of gister, (i. stabulari) a word proper to Deer; and therefore Budæus, libro poster. Philologia, says that Giste idem est quod Lustrum vel Cubile. And Agist in our Common Law signifies to take in and feed the cattel of a stranger in the King's Forests; and therefore those Officers in the Forest that thus take in cattel, and gather the money for the feed of them, are called Agistors, and the feed or herbage of the cattel is called Agistment; which in a large signification extends to all manner of Common of herbage of any kind of ground, or land, or woods, or the money that is due or received for the same.

Mes home ne serra judge en son cause demesme, cōe est resolvee, Coke lib. 8. fol. 118. en Bonham's Case, Que les Censors ne poyent estre Judges, Ministers, & Parties; Judges a doner sentence ou judgment, Ministers a faire summons, & Parties de aver le moitie del forfeiture. Et come q̄ Act d̄ Parliament done a a l'c, a tener ou de aver complaisance de tous maniers des Pleas devant luy surd'ar deins son Manor de D; uncore il teneul nul Plea a q̄ il mesme est party: Quia iniquum est aliquem sui rei esse judicem.

Agist.

A Gist semble d̄ venir del François giser (i. jacere) ou del gister (i. stabulari) un parol pper as Dames; & p̄ ceo Budæus, lib. poster. Philologia, dit q̄ Gist idem est quod Lustrum vel Cubile. Et Agist en nre Common Ley signifie d̄ pnder eins & de pasture les avers dū estranger deins les Forests le Roy; & pur ceo les Officers en le Forest q̄ en tiel manner prent eins avers, & collect les deniers p̄ le pasturage deux, sont appelle Agistors, & le pasturage & herbage d̄ avers est appel Agistment; q̄ en un large signification extend al tous maniers del Common del Herbage d̄ aucun kind d̄ fre, ou bois, ou les deniers que sont due & receive pur ceo, cy-

cybien hors des Forests come
deins eux. Vide *Manw. Fo-*
rest leys, cap. 11. fol. 80.

as well out of forests as with-
in them. See *Manwood's forest*
laws, c. 11. f. 80.

Agreement.

Agreement est ceste man-
ner define ou expounde
en *Plowden's Commentaries* :
Agreementum est compoude
de deux parolx, cestascavoir,
d' *Aggregatio* & *Mentium*, cest
adire, Agreement de ments.
Issint q' *Agreementum* est *Ag-*
gregatio mentiu in re aliqua
facta vel faciēda; & p' le con-
traction de les deux parolx,
Aggregatio & *Mentium*; & p'
le corrupt & brief parlance
d' eux, ils sont fait un parol,
cestasc', *Agreementu*, le quel
nest auf chose q' un union,
copulation, & conjunction d'
deux ou plusors ments in asc'
chose fait ou destf fait. (Veies
apres en *Testament*.) Et cest
Agreement est en 3 manners.

Le prim est un Agreement
executē fait al comencement.

Le second est un Agreement
puis un act fait p' auter, & est
un Agreement executed auxy.

Le tierce est un Agreement
executorie, ou destre fait en
temps uncore a veñ.

Le prim, q' est un Agreement
executed en fait al comence-
ment, est tiel de que mention
est fait en le Stat de 25 E. 3.
cap. 3. de Pannis, en le quart
Stat, q' dit, que les biens &
choses achates p' Forestallers,
que de ceo serront attaints,

Agreement.

Agreement is thus defined or
expounded in *Plowden's*
Commentaries : *Agreementum*
is compounded of two words,
namely, *Aggregatio* and *Mentiu*
um, that is, Agreement of
minds. So that Agreement
is a Consent of minds in some
things done or to be done; and
by drawing together the two
words, *Aggregatio* and *Mentium*,
and by the hasty and short pro-
nouncing of them, they are made
one word, to wit, *Agreementum*,
which is no other then a
joyning, coupling, and unit-
ing together of two or more
minds in any thing done or to
be done. (See after in *Testa-*
ment.) And this Agreement is
in three manners.

The first is an Agreement ex-
ecuted already at the beginning.

The second is an Agreement
after an act done by another, and
is an Agreement executed also.

The third is an Agreement
executory, or to be done in time
yet to come.

The first, which is an Agree-
ment executed already at the be-
ginning, is such whereof menti-
on is made in the Stat. of 25 E. 3.
c. 3. of Cloths, in the fourth Stat.
which saith, That the goods
and things bought by fore-
stallers, being thereof attainted,
shall

shall be forfeit to the King, if the buyer have made gree with the seller. In which case the word (gree,) which is otherwise called Agreement, shall be extended to Agreement executed, that is, payment for the things.

The second manner of Agreement is, where one doth a thing or act, and another agrees or assents thereunto afterwards: as if one make a Disseisin to my use, & afterward I agree to it, now I shall be a Disseisor from the beginning. And such Agreement is an Agreement after an act done.

The third Agreement is, when both parties at one time are agreed that such a thing shall be done in time to come: and this Agreement is executory, inasmuch as the thing shall be done after, and yet there their minds agreed at one time. But because the Performance shall be afterward, and the thing upon which the Agreement was made remains to be done, that Agreement shall be called executory.

And that the Stat. of 26 H. 8. c. 3. doth prove, which saith, That every Vicar, Parson, and such like, &c. before their actual possession or meddling with the profits of their Benefices, shall satisfy, content, &c. or agree to pay the King the first-fruits, &c. & any such Parson or Vicar, &c. who is in actual possession, &c. this Agreement is to be understood executory, as common usage proves: For it is used, that with one or two with him,

soient forfaits al Roy, si le acheteur ent ust fait gree al vendor. En quel case cest pol (gree,) q est autermt appel Agreemt, serra entende Agreement execute, viz. paiement p les choses.

Le second maner de Agreement est, lou ū fait un chose ou act, & un aurer agree ou assent a ceo apres: come si un fait Disseisin a mon use, & apres jeo agree a ceo, ore jeo serra Disseisor ab initio. Et tiel Agreement est un Agreemt puis un act fait.

Le tierce Agreement est, qnt ambideux parties a un temps sont accords que tiel chose sefa fait en temps a veni: & ceo Agreement est executorie, entat q le chose serra fait apres, & uncure la lour ments accord a un temps. Mes entant q le Performace serf apres, & isint le chose sur q l'Agreemt fuit fait remaine a faire, ceo Agreemt serra dit executorie. Et ceo le Stat.

26 H. 8. cap. 3. prove, ou il dit, Que chescun Vicar, Parson, & autiels, &c. devat lour actual possession ou meddling ove les pfts de lour Benefice, satisfiera, contentera, &c. ou agreera a payer al use le Roy les Prim fruits, &c. Et si aucun tiel Parson, Vicar, &c. ent en actual possession, &c. Ceo agreemt est destre entend executorie, come le cōmon usage pver car est use, q il, ove un ou deux, ove luy,

fait deux vel trois Obligations, p̄ ceo dest̄ pay en certain iours ap̄s. Et cest Agreement executorie est divide en deux points : Un est Agreement executorie q̄ est certain al commencement, come est dit darrein devant del Prim^e fruits.

L'autre est, iou le certaintie ne appiert al primes, & les parties sont accords que le chose serra perforin ou pay sur le certainty conus : come si un vend al autre tout son Wheat ē tiel tasse en sō Barri nient thresh, & il est agree parent eux, que il payera p̄ chescun bushel 3 s. quant il est thresh clean & measure.

Aide.

Aide est, quant Tenant a terme d̄ vie, Tenat en dower, Tenant p̄ le curtesie, ou Tenit en taile apres possibility d̄ issue extinct, est empledē; dōques, p̄ ceo q̄ ils nōt estate fors q̄ p̄ terme d̄ vie, ils prieront Aide de cestuy en le Reversion, & Proceſſe serra fait per Brief vers luy, de venir & pleder ovē le Tenat en defence del Terre, sil voile : Mes il covient que ils accord en Plea ; car sils varie, le Plea le Tenant serra prise, & dōques l'Aid-prier est en vain : mes sil ne viēt al secōd Brief, le Tenant respondera sole.

Aux Tenant p̄ ans, Tenant a volunt, Tenant p̄ Elegit,

do make two of th̄e Obligations, for it to be paid at certain daies after. And this Agreement executory is divided into two points : One is an Agreement executory which is certain at the beginning : as is said last before of the First-fruits.

The other is, when the certainty doth not appear at the first, & the parties are agreed that the thing shall be performed or payed upon the certainty known : as if one sell to another all his Wheat in such a Way of his Barn unthreshed, & it is agreed between them, that he shall pay for every bushel 3 s. when it is threshed clean and measured.

Aid.

AID is, when a Tenant for term of life, Tenant in dower, Tenant by courtesie, or Tenant in tail after possibility of issue extinct, is impleaded, then, for that they have no estate but for term of life, they shall pray in Aid of him in the Reversion, & Process shall be made by writ against him, to come and plead with the Tenant in the defence of the Land, if he will : But it behoves that they agree in the Plea; for if they vary, the Plea of the Tenant shall be taken, & then the Aid-prayer is void : but if he come not at the second writ, then the Tenant shall answer sole.

Also Tenant for years Tenant at will, Tenant by Elegit,

A mon
tales
loss,

and Tenant by Statute Merchant, shall have Aid of him in the Reversion; & the Servant & Bailiff of their Master, when they have done any thing lawfully in the right of their Master, shall have Aid.

This word is sometimes applied to Subsidies, as in 14 E. 3. Stat. 2. cap. 1. Other times to a Prestation due from the Tenants to their Lords; as for relief due to the Lord paramount, or for the making of his son a Knight, or for marrying of his daughter, Glan. lib. 9. c. 8.

This Aid the King, or other Lord, by the ancient Law of England, may lay upon their Tenants, to make his son Knight at the age of fifteen years, and to marry his daughter at the age of 7 years, Regist. orig. fol. 87. a. and that at what rate they please. But the Stat. of West. 1. made An. 3 Ed. 1. ordained a restraint for any great or large demand made by common persons, being Lords, in this case, and hath tied them to a certain rate; and the Stat. of 25 Ed. 3. Stat. 5. c. 11. provides, that the rate which is appointed by the former Stat. shall be held in the King as well as in other Lords.

Aid of the King.

AID of the King is in like case as it is said before of a common person, & also in many other cases where the King may have loss, although the Tenant be

& Tenant per Statute Merchant, averont Aide d' cestuy en le Reversion; & le Servant & Bailly de leur Master, quant ils ont fait asc' chose loyablement en le droit leur Master, averont Aide.

Cest parol est asc' foits apply al Subsidies, cōe en 14 E. 3. Stat. 2. cap. 1. Autre foits a un Prestation due de les Tenants a leur Seigniors; come p' relief due al Seignior paramount, ou p' le feillance de son fits Chival', ou p' lespousing de sa fille, Glan. l. 9. c. 8.

Cest Aide le Roy, ou autre Seign', p' l' anciē Ley d' Anglētene, puit giser sur leur Tenants, p' faire son fits Chival' al age d' 15 ans, & espouser sa fille al age d' sept ans, Reg. orig. f. 87. a. & a quel rate ils pleiront. Mes le Stat. de West. 1. fait An. 3 E. 1. ordeine un restraint p' asc' grand ou large demand fait p' common persons, esteant Seigniors, en cē case, & ad lie eux a un certain rate. Et le Statute d' 25 E. 3. Stat. 5. c. 11. pvide, que le rate que est mise p' le prim Stat. serra tenu en le Roy cybien come en auters Seigniors.

Aide de Roy.

Aide de Roy est en semblable case cōe est dit devāt d' common pson, & auxy en plusieurs auts cases lou le Roy puit aver pde, cōmēt q' le Tenāt soit

Tenant en fee-simple, il avera Aide; come si un Rent soit demand vers Tenant le Roy que tient en chief, il avera Aide, & issint navera de aut person.

Auxy lou un Citie ou Borough ad un Fee-farme del Roy, & asc' chose est demand vers eux que apperteine al Fee-farme, ils averont Aide pur ceo del Roy.

Auxy home avera Aide de Roy en lieu de Voucher. Auxy le Baylif, Collector & Purveyor del Roy averont Aide del Roy, auxibien come les Officers de auters persons.

Tenant in fee-simple, he shall have Aid; as if a Rent be demanded against the King's Tenant who holds in chief, he shall have Aid, and so he shall not of a common person.

And where a City or Borough hath a Fee-farm of the King, and any thing is demanded against them which belongs to the Fee-farm, they shall have Aid for it of the King.

Also a man shall have Aid of the King in the stead of Voucher. And the King's Bailiff, the Collector and the Purveyor shall have Aid of the King, as well as the Officers of other persons.

Aile.

Aile est un Brief que gist lou Terre descende de layel a son nephews, viz. firz ou file del firz del ayel; le pier esteant mort devant en vie per luy, & un abate, le Heire avera vers le Abater cel Brief.

Aler sans jour.

Aler sans jour est, (verbatim) ire sine die, cest-a-cavoir, d'ee dismissie hors del Court, p' ceo q' nest ascū aut jour del Appearance assigne.

A'e-taster.

ALe-taster est un Officer appoint & jure deins

Aile.

Aile is a Writ which lies where Land descends from the grandfather to his nephews, scil. the son or daughter of the son of the grandfather; the father being dead before the entry by him, & one abates, the Heir shall have against the Abator this Writ.

Aler sans jour.

Aler sans jour is, (word for word) to go without day, that is, to be dismiss the Court, because there is no day of farther Appearance assigned.

Ale-taster.

ALe-taster is an Officer appointed and sworn in every

every Leet, to look that the du:
Bisse be kept of all the Bread,
Ale and Beer sold within the
Jurisdiction of the Leet.

chescū Leet, de veier q̄ le due
Assise soit observe de tout le
Pne, Ale & Cervoise vendus
deins le Jurisdiction d̄ Leet.

Alien.

Alien.

A Lien is a Subject which is
born out of the liegeance of
our K. And he cannot have any
real or personal Action concer=
ning land, but in every such Acti=
on the Tenant or Defend. may
plead that he was born in such a
place, which is not within the
Kings liegeance, & demand Judg=
ment, if he shall be answered.

Every Alien friend may by the
Common Law have & get with=
in this Realm, by gift, trade, or
other lawful waies, any trea=
sure or personal goods whatsoe=
ver, as well as any English=
man, & may maintain any Acti=
on for the same. But Land with=
in this Realm or Houses (if not
for their dwelling onely) Alien
friends cannot have nor get,
nor maintain any Action real
or personal for any Land or
House, unless the house be for
their necessary dwelling. An
Alien enemy cannot maintain
any Action, nor get any thing
within this Realm. And the
reasons why Aliens born are
not capable of inheritance with=
in England, are;

1. The Secrets of the Realm
may by this be discovered.

2. The Revenues of the
Realm shall be taken and in=
posed by Strangers born.

A Lien est un Subject q̄ est
nee hors del ligeance de
nostre Roy. Et il ne poit aver
ascū real ou personal Action
concernant Tfe, mes en ches=
cū tiel Actiō le Tenār ou De=
fēdār puit plead que il fuit
nee en tiel pais, q̄ nest deins
le ligeance del Roy, & demād
Judgment, sil serra respondu.

Chesc' Alien amie puit per
le Cōmon Ley aver & acqui=
rer deins cest Realm, p done,
chivifans, ou auē loyal voyes,
asc' treasure ou biens psonal
quecūque, cybiē cōe asc' hōe
Englois, & puit maintein asc'
Action p̄ ycel. Mes Tfes deins
cest Realm ou Meafons, si non
solemt p̄ leur habitatiō, Aliē
amies ne poiēt aver ne acqui=
rer, ne maintain asc' Actiō
real ou personal p̄ ascū Terre
ou Meafō, sinon q̄ le meafon
soit p̄ leur necessary habitati=
on. Un Aliēemie ne poit
maintain asc' Act', ou acquiē
asc' chose deins cest Realm.
Et les reasons p̄ que Aliés nee
ne sont capable de inheritāce
deins *Angleterre*, sont;

Primermt, Les Secrets del
Royalm poient p̄ ceo estī cō.

Secundment, Les Revenues
del Royalm serront prise &
enjoy per Estrangers nee.

Tiercemēt, Ceo voile tend al destruct' del Royalm. Primermēt, en le temps d' guerē, car donq's Estrāgers poiēt fortifie eux mesmes ē le cuer del Royalm, & cōbuster le Cōmonweale. Secūdmt, en le tēps d' peace, car p'riel mēas plusors Aliēs nee poiēt acquirer un grand pre del inheritance & franktenement del Royalm, p' que la voile tēue ū failer de Justice, le supporter del Cōnion-wealth, p' ceo q' Aliens ne poient estre retorne de Juries, ne jure p' le trial d' issues perent le Roy & le Subject, ou perent Subject & Subject. *Vide Coke lib. 7. Calvin's Case.*

3. This will tend to the destruction of the Realm. First, in the time of war, for then Strangers may fortifie themselves in the heart of the Realm, and set in combustion the Commonwealth. Secondly, in the time of peace, for by such means many Aliens bozn may get a great part of the inheritance and freehold of the Realm, by which there would ensue a want of Justice, the supporter of the Commonwealth, for this that Aliens cannot be returned of Juries, nor sworn for the trial of Issues between the King and Subject, or between Subject and Subject. *Vide Coke lib. 7. Calvin's Case.*

Alienation.

Alienation idem est quod alienum facere, ou de alter ou mieſ le possession de Terſs ou aurer chose de lun home al aũ. Et en ascun cafes home ad poier en luy mesme issint a faif, sans l'assent ou licence d'ascun aurer, & en ascun nemy. Come si Tenant in capite alien son estate ſas cōge le Roy, donq' p' le Stat. de 1 Ed. 3. cap. 12. un reasonable Fine serra prise, ou al Common Ley devant le dit Stat. les Terſs & teneſms tenus en chief del Roy, & aliē ſas cōgee, ot este tenus forfeit. Et si Tenant le Roy q' reigne ē capite intend de aliener al C al use de D, &

Alienation.

Alienation is as much to say as to make a thing another mans, or to alter or put the possession of Lands or other things from one man to another. And in some cases a man hath power in himself so to doe without the assent or licence of any other, & in some not. As if Tenant in chief alien his estate without the Kings licence, then by the Stat. of 1 Ed. 3. c. 12. a reasonable Fine shall be taken, where at the Common Law before the said Stat. the Lands & teneſments held in chief of the K. & aliened without licence, have been held forfeited. And if the K's Tenant that holds in chief intend to alien unto C to the use of D, and

here

hereupon if he purchase licence to alien: to C, and accordingly aliens to C to the use of D, which use is not mentioned in the Licence; in this case he shall pay but one Fine, for it is but one Alienation. Coke lib. 6. fol. 28. But if a man will alien Lands in fee-simple to an House of Religion, or to a Body incorporate, it behoves him to have the King's licence to make this Grant or Alienation, and the chief Lords of whom such lands are held, &c. otherwise the land so aliened in Mortmain shall be forfeited by the Statute of 15 R. 2. cap. 5.

sur ceo si il purchase licence de alier al C, & accordant il alien a C al use de D, quel use nest mentiō ē le Licence; en cest case il payer forsq un Fin, car est forsq un Alienation. *Coke lib. 6 fol. 28.* Mes si home voile alien Tfs en fee-simple a un Meason de Religion, ou a un Corps incorporate, covient a luy daver conge le Roy de faire cest Grant ou Alienation, & le chief Seigniors de queux tiels t̄res sont tenus, &c. auterint le t̄re islint alien en *Mortmain* serra forfeit p le Stat. 15 R. 2. cap. 5.

Allay.

Allay.

Allay is the Temper or mixture of Gold and Silver with baser metall, for the increasing the weight of it so much as may countervail the King's charge in the coining. This word is used in the Statute of 9 H. 5. cap. 11. for the payment of English Gold by the King's weight.

Allay est le Temper ou mixture d'Or & Argent ove plus base metal, pur l'augmenter del pois de ceo entant q̄ poit countervail le charge del Roy en le coynage. Cest parol est use en le Statute 9 H. 5. cap. 11. pur le payment del Or Anglois per le pois le Roy.

Almner.

Almner.

Almner is an Officer of the King's House, whose Office is to distribute the King's Alms every day; and to that purpose he hath the collecting of all Forfeitures of Deodands, and of the goods of Felons de se, which the King allows him to dispose in Alms to the poor.

Almner est un officer del Hostel le Roy, & son Office est p̄ dispense les Alms le Roy chesc' jour; & a cest purpose il ad le collect' des tours Forfeitures des Deodands, & des biens des Felons de se, q̄ le Roy luy allow p̄ disposer c̄ Alms as po-

vers. Et de son Office vide
Fletam, l. 2. c. 22.

And of his Office see Fleta, lib. 1.
cap. 22.

Almoin.

Almoin.

A *Lmoin*, Veies *Aumone*.

A *Lmoin*, ~~De~~ *Aumone*.

Alnageor.

Alnager.

A *Lnageor* est un Officer del Roy, q' p' luy mesme ou p' son deputy vey al Assise de tout le Pane q' est fait de Lane p' tout le Terre, & a mitter Signets, p' tiel purpose ordeignés, al eux. 35 E. 3. Stat. 4. c. 1. Anno 3 R. 2. c. 2. Et il est destre accomptable al Roy p' chescun Pane q' est issint seale en un fee ou custome a ceo apperteignant.

A *Lnager* is an Officer of the King's, who by himself or by his deputy looks to the Assise of all Cloth made of wooll throughout the Land and to put a Seal for that purpose ordained unto them. 35 E. 3. Stat. 4. c. 1. Anno 3 R. 2. c. 2. And he is to be accomptable to the King for every Cloth that is so sealed in a fee or custom appertaining to it.

Ambidexter.

Ambidexter.

A *Mbidexter* est celui q', quant un matter est en suit penter homes, prist argēt de lun part & del aut, ou pur labour le Suit, ou tiels semblables; ou sil soit del Jury, p' dire son Verdict.

A *Mbidexter* is he that, when a matter is in suit between men, takes money of the one side and of the other, either to labour the Suit, or such like; or if he be of the Jury, to give his Verdict.

Amendment.

Amendment.

A *Mendment* est, quant Error est en le Proces, les Justices poiēt c' amend' apres Judgment. Mes si Error soit ē Judgment done, ils ne poiēt amender ceo, mes le party est mis al B're de Error. Et en plusors cases lou le default appiert ē le Clerk que esclia

A *Mendment* is, when Error is in the Process, the Justices may amend it after Judgment. But if there be Error in giving Judgment, they may not amend it, but the party is put to his Writ of Error. And in many cases, where the default appears in the Clerk that writ the

the Record, it shall be amended: but such things as come by information of the party, as the Town, Myſtery, and ſuch like, ſhall not be amended, for he muſt inform true upon his peril.

le Record, il ſerra amend: mes tiels choſes q̄ vient p̄ information del party, come le Ville, Myſterie, & *huiſmodi*, ne ſerf amend, car il doit informer vray a ſon peril.

Amercement.

Amercement.

A Mercement moſt properly is a Penalty aſſeſſed by the peers or equals of the party amerced, for an offence done; as for want of Suit of Court, or for not amending ſomething that he was appointed to redreſs by a certain time before, or for ſuch like cauſe; in which caſe the party who offends puts himſelf in the mercy of the King or Lord, and thereupon this Penalty is called Amerciament.

A Mercement pluis pperment eſt un Penalty aſſeſſe p̄ les peeres ou pares del partie am̄cie, p̄ un offence fait; com̄ p̄ default d̄ Suit d̄ Court, ou p̄ non am̄d̄ d̄ alc̄ choſe q̄ il ſuit appoint de redreſſer devant, ou pur tiel ſemblable cauſe: en quel caſe le party q̄ offend ſoy miſt en le mercie del Roy ou Seignior, & ſur ceo cel Penaltie eſt appel *Amerciament*.

And there is a difference between Amerciaments & Fines, Kitch. 214. For Fines are Punishments certain, which grow expreſſely from ſome Statute; and Amerciamenes are ſuch which are arbitrarily impoſed by the Juſtices, which Kitchin ſeems to confirm fo. 78. in theſe words, The Amerciament is affected by Equals.

Et la eſt un difference ppererter Amerciaments & Fines, Kitch. 214. Car Fines ſont Punishments certain, q̄ creſceront expreſſint de aſcun Statute; & Amerciaments ſont tiels q̄ ſont arbitralement impoſe p̄ les Aſſeſſors, q̄l Kitch. ſemble a confirmer fol. 78. en ceux parolx, *Amerciament eſt affecte per Pares.*

Alſo it appears, Coke lib. 8. fol. 39. that a Fine is alwaies impoſed & aſſeſſed by the Court; but Amerciament, which is called in Latin *Miſericordia*, is aſſeſſed by the Country.

Auxy il appiert, *Cok. lib. 8. fol. 39.* q̄ un Fine eſt rous ſoits impoſe & aſſeſſe p̄ le Court; mes Amerciament, que eſt appel en Latin *Miſericordia*, eſt aſſeſſe per Pays.

Another diverſity there is: as if a man be convicted before the

Auter diverſity la eſt: come ſi home ſoit convict devant le Vicount

Vicount en le Countrey dun Recaption, il serra forsqe amercie; mes sil soit conuict de ceo en le Common Bank, il serra fine. Et le reason de cest diversity est, Que le County-Court nest pas Court de Record, & p ceo ne poit imposer un Fine, car nul Court poit imposer Fine mes tiel Court q est de Record, *Cok. lib. 8. fol. 41. a.* Si le Defendant ou Tenant plead un faux Fait a luy, ou deny s^o Fait demesn, & ceo est trove vers luy, ou sil, *re-lit la Verificatione, cognoscat Actionem*; il serra fine pur faulxisme, *Quia certi debemus esse de proprio facto.* Mes si un deny le Fait son Ancestor, & ceo est trove vers luy, uncore il ne serra fine, mes amercy solemnt, *Quia de alieno facto.* *Co. lib. 8. fol. 60. a. vide pluis la.*

Amercement royal.

A Mercement royal est, quāt un Vicont, Coroner, ou auter tiel Officer del Roy, est amercy per les Justices pur son misdemeanor en le Office. *Quere* si ne serra dit Fine.

Amoveas manus.

A Moveas manus. Veies Ouster le mayne.

Sherif in the County of a Recaption, he shall be onely amerced; but if he be convicted of this in the Common Bench, he shall be fined. And the reason of this diversity is. That the County-Court is not a Court of Record, and therefore cannot impose a Fine, for no Court can impose a Fine but such a Court as is of Record, *Cok. lib. 8. fol. 41. a.* If the Defendant or Tenant plead a false Deed to him, or deny his own Deed, and this is found against him, or he, leading his own Verification, acknowledges the Action; he shall be fined for his falsity, because he ought to be sure of our own acts. But if one deny the Deed of his Ancestor, and this is found against him, yet he shall not be fined, but amerced onely, because it was the act of a Stranger. *Co. lib. 8. fol. 60. a. see more there.*

Amercement royal.

A Mercement royal is, when a Sheriff, Coroner, or other such Officer of the King, is amerced by the Justices for his abuse in the Office. Learn if it should not be called a Fine.

Amoveas manus.

A Moveas manus. See Ouster le mayne.

An, jour, & wast.

An, jour, & wast.

AN, jour, & wast, is a forfeiture when a man hath committed petit Treason or Felony, and hath Lands holden of some common person, which shall be seized for the King, and remain in his hands by the space of one year and a day next after the Attainder; and then the Trees shall be digged up, the Houses rased and pulled down, and the Pastures and Meadows eyed and plowed up; unless he to whom the Land should come by escheat or forfeiture redeem it of the King. A thing the more to grieve the offenders, and terrifie others to fall into the like, in shewing how the Law doth detest their offence so far forth, as that it doth execute judgement and punishment even upon their dumb and dead things.

AN, jour, & wast, est un Forfeiture quant un home ad fait petit Treason ou Felonie, & ad Terres queux il tient de ascū common person, queux serra seisi pur le Roy, & remaine en son maines per la space de un an & un jour prochain apres le Attaind; & donques les Arbres serront desosse, les Measons rases, & les Pastures & Prees ayres & plowed; si non que il a que Terre devenera per leschete ou forfeiture ne ceo redeem del Roy. Un chose le pluis de greever le offenders, & terrifie auters de cader en autiel, en demonstrāce coment le Ley detest leur offence avant, issint q il execute judgement & punishment sur leur mute & mort chofez.

Aniente.

Aniente.

ANiente comes from the French *Aneantir*, that is, annihilare; for Aniente in our Law-language signifies as much as frustrated or made void, and is used by Littleton in his 741. section.

ANiente venust del Francois *Aneantir*, (id est) annihilare; car *Aniente* en nostre Ley signifie tant come frustrate ou defeat, & est use per Littleton sect. 741.

Annates.

Annates.

ANnates is a word used in the Statute of 25 Hen. 8.

ANnates est un parol use en le Stat. 25 H. 8. 63. 20.

ca. 20. & semble d'ée tout un ove *Primitive* : car issint *Pol. Virgil. de Inventione rerum, lib. 8. ca. 2.* dit, *Quod Annatarum usus multo antiquior est quam recentiores quidam scriptores suspicantur, & Annatas (more suo) appellant primos fructus unius anni Sacerdotii vacantis, aut dimidiam eorum partem.*

cap. 20. and seems to be all one with *first-fruits* : for so *Pol. Virgil. de Inventione rerum, lib. 8. cap. 2. saies*. That Annatarum usus multo antiquior est quam recentiores quidam scriptores suspicantur, & Annatas (more suo) appellant primos fructus unius anni Sacerdotii vacantis, aut dimidiam eorum partem.

Annua pensione.

A *Annua pensione* est un Brief per que le Roy, ayāt due a luy un Annual Pension d' aucun Abbot ou Prior pur aucun de ses Chapleins q il voile nosmera, q nest provide dun competent Benefice, ceo demand del dit Abbot ou Prior pur un q est nosme en mesme le Brief, jelsq, &c. & auxy luy comand, p le meux assurance de son Chapleyn, a doner ses Letters Patents a luy p icel. Vide *Fitzh. Nat. Brev. fol. 231.* ou poyes auxy veyer les nosmes de routs les Abbeyes & Priories q fuerōt lie a ceo en respect de leur foundation ou creation, & auxy pur le forme des Letters Patents usualment graunts sur tiel Brief.

Annuitie.

A *Annuitie* est un certain sum de money grant a

Annua pensione.

A *Annua pensione* is a Writ by which the King, having due unto him an Annual Pension from any Abbot or Prior for any of his Chaplains which he will name, who is not provided of a competent Living, demands it of the said Abbot or Prior for one that is named in the same Writ, untill, &c. and also commands him, for the better certainty of his Chaplain, to give his Letters Patents to him for the same. See *Fitzh. Nat. Bre. fo. 231.* where you may also see the names of all the Abbies and Priories which were bound to this in respect of their foundation or creation, and also for the form of the Letters Patents usually granted upon such a Writ.

Annuitie.

A *Annuitie* is a certain summe of money granted to another

another in fee-simple, fee-taile, for term of life, or for term of years, to receive of the Grantor, or of his Heirs, so that no freehold is charged therewith, whereof a man shall never have Assise nor other Action, but a Writ of Annuity; and it is no Assets to the heir of the Grantor, to whom it shall descend.

There are many differences between Annuities and Rents: For every Rent is issuing out of Land, but an Annuity is not, but charges the person, that is, the Grantor or his Heirs, which have Assets by descent, if some special proviso be not to the contrary: as Littl. sect. 220.

Also for an Annuity no Action lies, but onely a Writ of Annuity against the Grantor, his Heirs or Successors: and this Writ of Annuity never lies against the taker of the profits, but onely against the Grantor or his Heirs. Whereas for a Rent the same Actions lie against the Tenant of the Land, and sometimes against him that is taker of the Rent, that is, against him that takes the Rent wrongfully. Also an Annuity is not to be taken for Assets, because it is not any freehold in Law. And it shall not be put in execution upon a Statute-Merchant, or Statute-Staple, or Elegit, as a Rent may, Doct. & Stud. ca. 30.

un autre en fee simple, fee taile, p^r t^{er}me d^e vie, ou pur terme de ans, a receiver del Grantor, ou ses Heires, issint que nul Franktenement est charge de ceo, de que home n'avera unques Assise ou autre Action, forsque Brief de Annuity; & nest aucun Assets al heire le Grantee, a que il descendra.

La sont plusors differences perent Annuities & Rents: Car chescun Rent est issuant hors de T^{er}re, mes un Annuity nest, mes chargera le person, cestascavoir, le Grantor ou ses Heires, qⁱ ont Assets p^r descent, sinon qⁱ special proviso soit al contrary: come Littl. sect. 220.

Auxy p^r un Annuity nul Action gist, forsque solemēt un Brief de Annuity vers le Grantor, ses Heires ou Successors: & cest Brief d^e Annuity ne unqs gist vers le pernor des profits, mes solemēt vers le Grantor ou ses Heirs. Lou p^r un Rent mesmes les Actions pisonent envers le Tenāt del T^{er}re, & aucun foits envers celui qⁱ est pernor del Rent, cestascavoir, vers luy que prist le Rent torciousemēt. Auxy un Annuite nest dest^r prise pur Assets, p^r ceo qⁱ nest asc^t Franktenemēt en Ley. Et ne lerra mis en execution sur un Stat. Merchāt, Stat. Staple, ou Elegit, sicome un Rent puit. Doct. & Stud. c. 30. Vid.

Vid. Dyer fo. 345. pla. 2.
Auxy un Annuity ne poit
estre sever, Co. li. 8. f. 52. b.
accordant al Merre la,

*Annale aut debitum
Judex nec separet ipse.*

See Dyer fo. 345. pla. 2. Also
an Annuity cannot be severed.
Co. li. 8. fol. 52. b. according to
the Writ there,

Let no Judge himself endeavor
Annuities or Debts to sever.

Anoyfance.

A Noyfance est un parol
use en le Statute 22 H.
8. cap. 5. & signifie nient
plus q Nufance, & pur ceo
vide Tit. Nufance.

Anoyfance.

A Noyfance is a word used
in the Statute of 22
Hen. 8. cap. 5. and signifies
no more then Nufance, and
therefore see Title Nufance.

Apostata capiendo.

A Postata capiendo est un
Bfe direct al Viscount,
p le prend al corps dū q,
ayant ent & presse ascū Or-
der de Religion, relinquit le
dit Order, & waive son Mea-
son, & est vagrant en le pais:
& sur ū Certificate d'e' mat-
ter per le Sovereign del dit
Meason de Religion fait en le
Chauncery, & le prier del dit
Bfe, il avera ceo direct al Vis-
count p lapprehender de luy,
& redelivery al dit Sovereign
del Mease ou son loyall At-
tourney. Vid. le forme del Bfe
en Fitzh. Nat. Bre. 233. c.

Apostata capiendo.

A Postata capiendo is a Writ
directed to the Sheriff, for
the taking of the body of one
who, having entered into and
professed some Order of Religi-
on, leaves his said Order, and de-
parts from his house, and wan-
ders in the country: upon a Cer-
tificate of this matter made by
the Sovereign of the House in the
Chancery, & the praying of the
said Writ, he shall have it direct-
ed to the Sheriff for the appre-
hending of him, and redelivery of
him to the said Sovereign of the
House or his lawfull Attourney.
See the form of it in Fitzh. Nat.
Br. 233. c.

Appeal.

A Ppeal est lou un ad fait
Murder, Robbery, ou
Mayhe, donqs la feme cestuy
q est tue avera un Action de
Appeal vers le Murderer; mes
si nad feme, donqs son

Appeal.

A Ppeal is where one hath done
a Murder, Robbery, or
Mayhem, then the wife of him
that is slain shall have an Action
of Appeal against the Murderer;
but if he have no wife, then his
next

next Heir=male shall have the Appeal at any time within a year and a day after the dead.

Also he that is so robbed or maimed shall have his Appeal: if the Defendant be acquitted, he shall recover damages against the Appealer & the Abettors, and they shall have the imprisonment of a year, and shall make fine to the King. An Appeal of Maihem is in manner but a Trespass, for he shall recover but damages.

Appeals are commenced two ways, either by Writ, or by Bill. By Writ, when a Writ is purchased out of the Chancery by one man against another, commanding him that he shall appeal a third man of some Felony or other offence by him committed, and to find pledges that he shall do this with effect; and this Writ is to be delivered to the Sheriff to be recorded.

Appeal by Bill is, when a man of himself gives his accusation of another man in writing to the Sheriff or Coroner, and takes upon himself the burthen of appealing him that is named in the said writing. Appellant is the Plaintiff in the Appeal.

Appendant & Appurtenant.

Appendant & Appurtenant are things that by time of prescription have belonged, appertained, and are joyued to another principal thing, by which they

pchein Heire male averá le Appeal a ascun temps deins lan & jour apres le fact.

Aux cestuy q est insint rob' ou maymed avera son Appeal: & si le Defendant soit acquite, il recoversa damages vers le Appellour & l' Abettours, & ils averót imprisonment dū an, & ferra fin al Roy. Appeal d' Mayhem nest en manner forsque Action de Trespasse, car il ne recoversa forsque damages.

Appeals sōt cōmence deux voyes, ou p Brief, ou p Bill. Per Brief, quāt un Brief est purchas hors del Chancery p un hōc vers aut, luy commandant q il appealera un tierce hōc dasc' Felonie ou auter offence p luy commit, & a trover pledges que il ceo ferra ove effect; & cest Brief est destre deliver al Vicount destre record.

Appeal per Bill est, quant un home de luy mesme done son accusation dauter home en escript al Vicount ou Coroner, & prist sur luy le burden d' appealing cestuy que est nosme en le dit escript. Appellant est le Plaintiffe en l' Appeal.

Appendant & Appurtenant.

Appendant & Appurtenant sont choses q p réps de prescriptio ont belóg, appertain, & sōt joyn al ū aut principal chose, ove q ils passent

passont & va cõe accessar al
m principal chose, p vertue
d ceux pøls, *Pertinacitiis*, cõe
Terre, Advowsons, Cõmbs, Pis-
caries, Chimins, Courts, & di-
vers tiels sèblables, al ù Maf, *Meaf*,
Office, ou tiels auters.

pass and go as accessary to the
same special thing, by virtue of
these wordes, *Pertinentiis*, as
Lands, Advowsons, Commons,
Piscaries, Maies, Courts, and
divers such like, to a Manor,
House, Office, or such others,

Apportionment.

A *Pportionment* est un di-
viding en parts un Rent
le quel est dividable, & nient
entier ou whole; & entâr q
le chose hors de quel il suit
destre pay est separate & di-
vide, le Rêr auxy serf divide,
ayant respect a les parts. Sicõe
un home ad un Rent-Service
issuant hors de Terres, &
il purchase parcel de le
Terre, le Rent serra appor-
tion accordant al value del
Terre.

Isint si hõe tient son Tfre
dun aũ p Homage, Fealty,
Escuage, & certain Rent, si le
Seignr de q le terre est tenus
purchase parcell del terre, le
Rent serra apportion.

Item si home lessã ères p
ans, reservant Rent, & apres
un estrange recover part de
le terre; donqs le Rent serra
apportion, cest adire, divide,
& le Lessee paiera, aiant re-
spect a ceo q est recover, & a
ceo q ore remaine en ses
mains, accordant al value.

Mes ù Rent-charge ne poit
estf apportion, ne choses q sõt
entier: Sicome un tient Tfes
per Service de payer a son

Apportionment.

A *Pportionment* is a dividing
into parts a Rent which is
dividable, and not entire or
whole; and forasmuch as the
thing out of which it was to be
paid is separated and divided, the
Rent also shall be divided, ha-
ving respect to the parts. As
if a man have a Rent-Ser-
vice issuing out of Land, and
he purchases parcel of the
Land, the Rent shall be appor-
tioned according to the value
of the Land.

So if a man hold his Land of
another by Homage, Fealty,
Escuage, & certain Rent, if the
Lord of whom the land is holden
purchase parcell of the land, the
Rent shall be apportioned.

And if a man let lands for
years, reserving Rent, and after
a stranger recovers part of the
land; then the Rent shall be ap-
portioned, that is, divided, and
the Lessee shall pay, having re-
spect to that which is recovered,
and to that which yet remains in
his hands, according to the value.

But a Rent-charge cannot
be apportioned, nor things that
are entire: As if one hold Land
by Service to pay to his
Lord

Lord yearly at such a feast an Horse, an Hawk, a Rose, a Cherry, or such like; there if the Lord purchase parcel of the land: this Service is gone absolutely, because an Horse, an Hawk, a Rose, a Cherry, and such other, cannot be divided or apportioned, without damage to the whole.

In some cases Rent-charge shall be apportioned: As if a man hath a Rent-charge issuing out of land, and his father purchases parcell of the lands charged in fee, and dies, and this parcell descends to his son who hath the Rent-charge; there this charge shall be apportioned according to the value of the land, because such portion of the land purchased by the father comes not to the son by his own act, but by descent, and course of Law.

Common appendant is of common right and severable; and although the Commoner in such case purchase parcell of the land wherein the Common is appendant, yet the Common shall be apportioned: but in this case Common Appurtenant & not appendant by such purchase is extinct. Coke lib. 8. fol. 79.

Appropriations.

Appropriations were, when those Houses of Religion, and those Religious persons, Abbots, Priors, and such

S^r annually at such a Feast un Chival, Esperver, ū Rose, un Cherrey, ou tiels semblables; la si le S^r purchase parcel de la fr̄e, cest Service est tout ale, pur ceo que un Chival, Esperver, Rose, ou un Cherrey, & tiels auts, ne poyent estre divide ou apportion, sans damage al entierry.

En asc' cases Rent-charge serra apportion: Come si home ad Rent-charge issuant hors d' terre, & son pere purchase parcel de les terres charges en fee, & morust, & cel parcell descend a son fis q' ad le Rent-charge; ore cel charge serra apportion selonque le value de la fr̄e, pur ceo que tiel portion de la fr̄e purchase p le pere ne vient al fis p son fait demesne, mes p̄r descent, & per course de Ley.

Common appendant est d' common droit & severable; & coment q' le Commoner en tiel case purchase parcel del fr̄e en que le Common est appendant, une' le Common serra apportion: mes en tiel case Common appurtenant & nemy appendant p tiel p̄chase est extinct. Coke lib. 8. fol. 79.

Appropriations.

Appropriations fues, quant ceux Measons d' Religion, & ceux Religious p̄sons, come Abbots, Priors, & tiels sem-

semblables, avoient le Advowson d' aucun Parsonage al eux & a leur successeurs, & obtaine licence de le Pape, Ordinary, & Roy, q' ils mesmes & leur successeurs de ceo en avant doivent estre Parsons la, & il serra en avant un Vicarage, & q' le Vicar servera le Cure. Et issint al comencement Appropriations fueront faits solement a ceux persons Spirituels que puissent minister les Sacraments, & dire divine Service, come Abbes, Priors, Deans, & tiels semblables. Apres per petit & petit ils fueront enlarge & fait as auters, come nousmeint al Dean & Chapter, quel est Corps corporate, consisting d' plusieurs, quel Corps ensemble ne puissent dire divine Service; & que puis fuit, al Nuns que fueront Prioresse d' asc' Nunry, quel fuit chose horrible, entant que ils ne puissent minister Sacraments, ne preach, ne dire divine Service al Parochians.

Et tout ceo fuit sur presence de Hospitality & maintenance de ycel. Et de supplier ces defects, un Vicar fuit devise, quel seroit Deputy al Priors, ou Dean & Chapter, & auxy al darrein al dit Abbes, & auters, a dire divine Service, & il averoit pur son labour forsque petit portion, & ils a quel le Appropriations fueront fait reteniront le grand reve-

like, had the Advowson of any Parsonage to them and their successors, and obtained licence of the Pope, Ordinary, and King, that they themselves and their successors from thenceforth should be Parsons there, and that it should be from thenceforth a Vicarage, and the Vicar should serve the Cure. And so at the beginning Appropriations were made onely to those persons Spiritual that could administer the Sacraments, and say divine Service, as Abbots, Priors, Deans, and such like. After by little and little they were enlarged and made to others, as namely to a Dean and Chapter, which is a Body corporate, consisting of many, which Body together could not say divine Service; and (which was more) to Nuns that were Prioresse of some Nunery, which was a wicked thing, in regard that they could neither administer Sacraments, nor preach, nor say divine Service to the Parishioners.

And all this was upon maintenance of Hospitality and maintenance thereof. And to supply these defects a Vicar was devised, who should be Deputy to the Priors, or to the Dean and Chapter, and also at the last to the said Abbots, and others, to say divine Service, and should have for his labour but a little portion, and they to whom the Appropriations were made should retain the greater revenue.

nues; and they did nothing for it, by means whereof Hospitallity decayed in the place where it ought to have been chiefly maintained, namely, in the Parish where the Benefice was, and where the profits grew: and so it continues to this day, if not worse, since not onely Friers and Nuns, but Lay-men and Secular women are possessed of them, to the great hinderance of Learning, impoverishment of the Ministry, and infamy of the Gospel and professors thereof.

The Vicar shall have a certain portion of the Benefice, and the Abbot and the Covent shall be Parsons, and shall have the other profits. This is called Appropriation, and then the Abbot and Covent shall be Parsons imparsones: but such Appropriation may not be made to begin in the life of the Parson, without his assent.

And after the Church was appropriated, then was it an Incident inseparable to the House of Religion to which it was so appropriated. And therefore, where the Lands of the Templars in England were given by the general words of an Act of Parliament of 17 E. 2. to the Hospitallers, it was adjudged, That the Hospitallers by the said Act should not have the Appropriation, for it was inseparably annexed to the Corporation of the Templars: which thing consisting in an in-

nues; & ils sefoient riens p ceo, p means de quel Hospitalite decay en le lieu ou il doit estre chiefment gard, nosomeint en le Parish ou le Benefice fuit, & ou les profits cressoyent: & issint il continue tanque a cest jour, si non pis, veu q non seulement les Freres & les Nuns, mais les Laiques tant homes q femes en ont la possession, al grad hinderance del Erudition, al impoverishment de le Ministry, & le infamy de le Gospel & les professeurs de ycel.

Le Vicar avera un certain portion del Benefice, & le Abbe & le Covent serront Parsons, & averont les auts profits. Cest appelle un *Appropriation*, & donques le Abbe & le Covent serront Parsons imparsones: mes tiel Appropriatiō ne poit estre fait a commencer en le vie le Parson, sans son assent.

Et après l'Esglise fuit appropriate, donques fuit ceo un Incident inseparable al Meason de Religion a q ceo fuit issint appropriate. Et p ceo, ou les Terres des Templars en Angleterre fueront done p les general parols dun Act de Parliament d 17 E. 2. al Hospitallers, fuit adjudge, Que les Hospitallers per le dit Act naveront l'Appropriation, car ceo fuit inseparablement annex al Corporation des Templars: quel chose consistant en inseparable

separable privitie, p general
parols dun A&t de Parliamt
ne serra transferre al auters.
Coke lib.7.fol.13.a.

Mes si tiel Advowson del
Parsonage soit recover p an-
cient title, donques l'Appro-
priation est adnulle. Et est
appel *Appropriation*, p ceo q
ils teigne les profits a leur
pper use.

separable privity, by the general
words of an Act of Parliament
shall not be transferred to o-
thers. *Coke lib.7.fol.13.a.*

But if such Advowsons of the
Parsonage be recovered by an-
cient title, then the Appropria-
tion is adnulled. And it is called
Appropriation, for that they hold
the profits to their own pro-
per use.

Approvement.

A *Pprouement* est, lou un
home ad Comon en le
Wast terre d Seignior, & le
Snr enclose part del Wast tre
p luy mesme, relinquissant
niert obstat sufficiet Comon,
ove egress & regress, p les
Comoners. Cest Inclosure est
appel *Approvement*. *Vide le*
Reg. Judic. fol.8, & 9.

Approvement.

A *Pprouement* is, where a man
hath Common in the
Lord's Waste ground, and the
Lord incloses part of the Waste
for himself, leaving nevertheless
sufficient Common, with egress
and regress, for the Common-
ners. This Inclosing is called
Approvement. *See Reg. Jud. fol.*
8, & 9.

Approver.

A *Pprover* ou *Appellor* est
cestuy q ad fait ascun
Felony, lequel il confesse,
& a ore appeal ou approve,
cest adire, accuse auters que
fueront Coadjutors ou Ay-
dors ove luy en sesans d ceo
ou aus Felonies, le ql chose
il voile approver. Et cest
proof est destre ou p Battail,
ou per le Pais, a son election
q approve. Cest accusation
est plusors fois fait devat le
Coroner, que ou est assigne
al Felon p le Court a prendr
& recorder c' q il dit; ou est

Approver.

A *Pprover* or *Appellor* is he
who hath committed some
Felony, which he confesses, and
now appeals or approves, that
is, accuses others who were
Coadjutors or Helpers with
him in doing the same or other
felonies, which thing he will
approve. And this proof is to be
either by Battel, or by the
Countrey, at his eleaton that
appealed. This accusation is
often done before the Coroner,
who either is assigned to the fe-
lon by the Court to take and re-
cord that which he saith; or is
called

called by the Felon himself, and required, for the good of the Prince and Commonwealth, to record that which he shall say. The Oath of the Approver when he begins the combat, as also the Proclamation by the Heralds, appear in *Crompt. pag. ult.*

If a man of good fame be appealed by an Approver, by which he is taken and kept in prison, yet he may have a Writ to be directed to the Sheriff, commanding him to suffer the party appealed to be bailed by good Sureties. But if a man appealed by an Approver be kept in prison, and afterwards the Approver dies, there he may sue a Writ directed to the Sheriff, to suffer him to be bailed upon good Surety, if he be not a notorious felon, although he be not of good fame. *Fitzh. N. B. 250. d.*

The King's Approvers.

The King's Approvers are those that have the ~~jurisdiction~~ of the King's Demeans in small Manors for the King's greater advantage. And for such Approvers you may read in the Stat. 2 E. 3. c. 12. that they were men sent into divers Counties to increase the farms of Hundreds and wapentakes. And you may see in the Statute made in 1 E. 3. c. 8. that the Sheriffs call themselves the King's Approvers.

appel p le Felon luy mesme, & require, pur le bone del Prince & Publiq weale, a recorder ceo q il dirra. Le Serement del Approver quant il comence le combat, cõe auxy le Proclamation per les Heralds, appearont en *Crompt. pag. ult.*

Si home que est de bone fame soit appeale p un Approver, p q il est prise & deteigne en prison, uncore il poit aver un Brief destre direct al Viscount, luy comandant a pmitter le pry appeale destre baile p bon Mainpernors. Mes si home appeal p un Approver soit deteigne en prison, & aps le Approver devie, la il puit sue un Brief direct al Visc', a pmitter luy de aler a mainprise sur bone Surety, si ne soit notorious Felon, comt q il ne soit de bon fame. *Fitzh. N. B. 250. d.*

Approvers le Roy.

Approvers le Roy sont ceux q ont le demiser des Demeans le Roy deins petits Manors le Roy p le plus availle le Roy. Et des tiels Approvers poies veier en le Stat. 2 E. 3. c. 12. q fueront homes mises e divers Counties p increase les Farmes des Hundreds & Wapentakes. Et est a veier e le Stat. 1 E. 3. c. 8. que les Visc' appel eux mesmes les Approvers le Roy.

Arbitrement.

Arbitement est ū Award, Determination, ou Judgment, quel un ou plusieurs font al request de deux parties al meines, p̄ & sur alc' Det, Trespasse, ou autre Controverse ewe penter eux. Est cest appel en Latin *Arbitratus*, & *Arbitrium*; & ils que font le Award ou Arbitrement sont appel *Arbitri*, en Anglois *Arbitrators*.

A chesc' Arbitrement cinq choses sont incident; sc. Matter de controverse, Submission, Parties al Submission, Arbitrors, & Rendre suis del Arbitrement. *Dyer 217. pl. 60.* Si l'Arbitrement soit fait, q̄ lun partie alera quit d̄ tous Actions que l'auter ad vers luy, & riens est dit des Actions que il ad vers l'auter; cest Arbitrement est voyd, p̄ ceo que fuit fait de lun part, & nemy de l'auter. 7 H. 6. c. 40.

Quant un Submission a ū Arbitrement est general d̄ tous Actions, &c. & le Arbitraē fait un Award seulement de un, uncore ceo bien poit estoyer ove le generalite des parols, q̄ la ne fuit forsque un Cause dependant penē eux; car, *Generale nihil certi implicat*. Et si le Arbitrement serroit p̄ ceo avoid, donques plusieurs Arbitrements poier estē avoid; car lun poit conceal un Tres-

Arbitrement.

Arbitement is an Award, Determination, or Judgment, which one or more makes at the request of two parties at the least, for and upon some Debt, Trespasse, or other Controverſie had between them. And this is called in Latin *Arbitratus*, and *Arbitrium*; and they that make the Award or Arbitrement are called *Arbitri*, in English *Arbitrators*.

To every Arbitrement five things are incident; sc. Matter of controverſie, Submission, Parties to the Submission, Arbitrors, and Giving up of the Arbitrement. *Dyer 217. pl. 60.* If the Arbitrement be made, that the one party shall go quit of all Actions which the other hath against him, and nothing is said of the Actions which he hath against the other; this Arbitrement is void, because it was made of the one part, and not of the other. 7 H. 6. c. 40.

When a Submission to an Arbitrement is general of all Actions, &c. and the Arbitrator makes an Award onely of one; yet this may well stand with the generalite of the words, that there was but one Cause depending between them; for, Agenerality implies no certainty. And if the Arbitrement should be for this avoided, then many Arbitrements might be avoided; for the one might conceal a Tres-

passē

pass done, or other cause of *Qui* on giben him, and so avoïd the Arbitrement. Also no party to any Arbitrement shall be by it bound, unlesse the Award be delivered unto him, as it is Co. lib. 5. fo. 103. *See* Cok. l. 8. fo. 98.

passé fait, ou auſ cause d' *Action* done a luy, & insint avoïd l' Arbitrement. Auſ nul pty al asc' Arbitrement serf p ceo lye, sinon q̄ le Agard soit a luy deliver, cōc est *Coke* l. 5. f. 103. Vide *Coke* l. 8. f. 98.

Arches.

Arches.

A Rches (or the Court of the Arches) is the chief and most ancient Consistory belonging unto the Archbishop of Cant. and it is called from the Arches of the Church where the Court is kept, namely, Bow-Church in London. And of this Court mention is made in Stat. 24 H. 8. c. 12. touching Appeals.

A Rches (five Curia & *Arceubus*) est le principal & plus aient Consistory q̄ appraïne al Archevesq̄ de Cant. & est appel de les Arches del Eglise lou le dit Court est tenu, viz. *Ecclesia B. Marie de Arcub' & Londres*. Et c̄ cest Court mētiō est fait en Stat 24 H. 8. c. 12. touchāt Appeals.

Arms.

Armes.

A Rms, in the understanding of the Law, is extended to any thing that a man, in his anger or fury, takes into his hand to cast at or strike another. *Cromp. Justice of P.* fol. 65. a.

A Rmes, en l' intelligence del Ley, est extend a toutes choses q̄ un home, en son ire ou furie, prend en sa main pur jeter ou serier un autre. *Crom. Just. P.* f. 65. a.

Array.

Array.

A Rray is the taking or ordering a Jury or Enquest of men that are impannelled upon any cause, 18 H. 6. cap. 14. from whence comes the Verb, to array a pannel, Old N. B. f. 157. that is, to set forth one by another the men that are impannelled. *The Array* shall be quashed, *ibid.* By Stat. every Array in *Assise* ought to be made four days

A Rray est le disposing ou ordering dū Jury ou Enquest de hoīms q̄ sūt impanel sur asc' cause, 18 H. 6. c. 14. de q̄ vient le verbe, *al arrayer ſū panel*, *Vet. N. E.* f. 157. cest adire, a mitter hors un p auſ les homes q̄ sont impanel, Le Array serra quash, *ib.* Per Statute chescū Array ē *Assise* devoit destē fait quater jours

devant. *Brook tit. Panel, num.*
10. A challenge le Array,
Kitch. 92.

before. *Brook tit. Panel, num.*
10. To challenge the Array,
Kit. 92.

Arrain.

Arrain est a mett̃ ũ chose
en ord' ou en son lieu :
Sicom il est dit al arrain un
B̃re de *Novel Disseisin* en un
County en q̃ il devoit estre
port p̃ trial devant les Justi-
ces de cel Circuit, *Vet. N.B.*
fo. 109. Et en tiel sence *Lit.*
ad use mesme le pol, Le Les-
see arrain un *Assise de Novel*
Disseisin. Auxy un prison est
dit destre arraign, quant il est
indict & mis a son trial.

Arrain.

Arrain is to put a thing in or-
der or in his place: As one
is said to arrain an *Assise of No-*
vel Disseisin in a County in
which it ought to be brought for
trial before the Justices of that
Circuit, *Old N. B. fol. 109.* And
in such sence *Lit.* hath used the
same word. The Lessee arrains
an *Assise of Novel Disseisin*.
Also a prisoner is said to be ar-
rained, when he is indicted and
put to his trial.

Arrerages.

Arrerages sont Duties a-
rere nient pay apres le
jours & temps en q̃l ils fue-
ront dues, & doyent aver
estre payes, soyent ils Rents
de Manor, ou ascun autre
chose reserve.

Arrerages.

Arrerages are Duties behind
unpaid after the dates and
times in which they were due,
and ought to have been paid,
whether they be Rents of a
Manor, or any other thing re-
served.

Arrest.

Arrest est quant ũ est pris
& restrain a son liberty.
Nul serra arrest p̃ Det, Tres-
passe, Detinue, ou autre cause
de Action, mes p̃ vertue dun
Precept ou Cōmandm̃t hors
de asc' Court. Mes p̃ Treasō,
Felonie, ou debrufer del
Peace, chesc' hom̃ ad auctori-
tie d̃ arrester s̃as Garrantie
ou Precept. Et lon un serra

Arrest.

Arrest is when one is taken &
restrained from his liberty.
None shall be arrested for Debt,
Trespasse, Detinue, or other
cause of Action, but by virtue of
a Precept or commandment out
of some Court. But for Treason,
Felonie, or breaking of the
Peace, every man hath authori-
ty to arrest without warrant or
Precept. And where one shall be
arrested

arrested for felony, it behoves that some felony be done, & that he be suspected of the same felony; or otherwise he may have against him that did so arrest him a writ of false imprisonment. And when any man shall be arrested for felony, he shall be brought to the Gaol, there to abide till next Sessions, to be indicted, or delibered by Proclam.

arrest p̄ Felonie, il covient q̄ ascun Felonie soit fait, & q̄ il soit suspect de m̄ le Felonie; ou autrement il poit aver evers luy q̄ issint luy arrest ū Brief d̄ Faux imprisonment. Et quant asc' hōe est arrest p̄ Felonie, il serra amefne a le Gaole, la a demurē tanq̄ al pchein Session, p̄ estre indict, ou deliver p̄ Proclamation.

Arretted.

Arretted is he that is condemned before any Judge, and charged with a crime. Sometimes it is used for imputed or laid unto: As no folly can be arretted to him that is within age, *Lit. cap. Remit.* This word may come of the Latin word *Rectus*, for Bracton hath this phrase, *Ad rectum habere malefactorum*, so that he may be charged and put to his trial. And in another place he saith, *Rectatus de morte hominis*.

Arretted est cestuy q̄ est appel devant asc' Judge, & charge ove un crime. Asc' foits c' est use p̄ impure ou laid unto: Si com̄ nul folly puit estr arret a luy q̄ est deins age, *Lit. cap. Remit.* Cest pol poit vener del Latine pol *Rectus*, car Bracton ad cest phrase, *Ad rectū habere malefactorem*, issint q̄ il poit estre charge & mis a son trial. Et en aut lieu il dit, *Rectatus de morte hominis*.

Assach.

Assach seems to be a British word, and to signifie a strange kind of Excuse or Purgation by the Oaths of 300 men. Anno 1 Hen. 5. cap. 5.

Assach.

Assach semble estre un British parol, & signifie un estrange espee d̄ Excuse ou Purgation p̄ les Sacraments de trois cents homes. *An. 1 H. 5 c. 5.*

Assart.

Assart is an offence committed in the Forest, by pulling up by the roots the Woods

Assart.

Assart est un offence commit en le Forest per arrachment le Boys q̄ lōt

q̄ sōr thickets ou coverts del For', & p̄ feaſance de eux cy plain cōe le terf arable. Ceſt Affart del For' eſt le pluiſgrād offence ou treſpāis q̄ puit eſtř fait en le Forest al Vert ou Veniſon, conteignont en c' Waſt, ou pluiſ: Car ou Waſt del Forest neſt forſq̄ l' felling & ſucciding del Covert boys, q̄ poit en tēps recreeſcer; un Affart eſt un arrachm̄t p̄ le root, p̄ q̄ ils ne unques poiet crieſcer. *Manw. par. 2. cap. 9. nu. 1. Un Brief d' Ad quod dampnum* poit eſtř agard, lou un home voile ſue pur un licence daſſart ſon terf deins le Forest, & faire c' ſeveral p̄ Agriculture; iſſint q̄ neſt alc' offence ſil ſoit fait p̄ licence. *Regiſt. orig. f. 257.*

which are thickets or covertes of the Forest, and by making them as plain as the arable land. This Affart of the Forest is the greatest offence or trespass that can be done in the Forest to Vert or Veniſon, containing in it Waſte, or more: For where Waſte of the Forest is nothing but the felling & cutting down of the Covert wood, which may in time grow again; an Affart is a pulling up by the root, by which they can never grow again. *Man. part 2. c. 9. nu. 1. A Writ of Ad quod dampnum* may be awarded, where a man will ſue licence to aſſart his land within the Forest, and make it ſeveral for Tillage; ſo that it is no offence if it be done by licence. *Regiſt. orig. fol. 257.*

Assault.

Aſſault (du Francoiſ *Aſſailir*) ſignifie un violent ſacōn de Injurie offert a la pſon d' un hōe, d' une nature plus extrēdue q̄ Battery; p̄ ceo q̄ il poit eſtre cōmiſ en offrant un coup, ou p̄ les pols menaçants. *Lamb. Eiren. l. 1. cap. 3.*

Aſſault (from the French *Aſſailir*) ſignifies a violent kind of Injurie offered to a man's perſon, of a more large extent then Battery; for it may be committed by offering a blow, or by a terrifying ſpeech. *Lamb. Eiren. lib. 1. cap. 3.*

Assayer.

Aſſayer eſt un Officer del Mint appoint p̄ l' Statute 2 H. 6. c. 12. deſtre preſent al reſceit del Bulliō, cōe un partie indifferent enſ le Maſter d' l' Mint & le

Assault.

Assayer.

Aſſayer is an Officer of the Mint appointed by the Stat. of 2 H. 6. c. 12. to be preſent at the taking in of the Bulliō, as a party indifferent between the Maſter of the Mint and the Merchant.

Merchant, to set the true value of the Bullion according to the Law.

Merchant, pur determin le vray value del Bullion selon que le Ley.

Assets.

A Ssets is in two sorts; the one called Assets per discent, the other Assets enter maines. Assets per discent is, where a man is bound in an Obligation, and dies seised of lands in Fee-simple, which descend to his Heir, then his land shall be called Assets, that is, enough or sufficient to pay the same debt; and by that means the Heir shall be charged as far as the land so to him descended will stretch. But if he have aliened before the Obligation be put in suit, he is discharged.

Also when a man seised of lands in tail, or in the right of his wife, aliens the same with Warranty, and hath in value as much lands in Fee-simple, which descends to his Heir, who is also Heir in tail, or Heir to the woman: now if the Heir, after the decease of his Ancestor, bring a Writ of Formedon, or Sur cui in vita, for the land so aliened; then he shall be barred, by reason of the Warranty, and the land so descended, which is as much in value as that which was sold, and so thereby he hath received no prejudice. Therefore this land is called Assets per discent.

Assets enter maines is, when a man indebted (as before

Assets.

A Ssets est en deux sorts; lun appel Assets per discent, l'aut Assets enter maines. Assets per discent est, lou un hōe est obligé en un Obligation, & morust seise de fies en Fee-simple, queux descend a son Heir, donques cest fies serra appel Assets, cest adire, sufficēt de payer cest derf; & p cest means le Heir serra charge cyavāt q le fies issint a luy descend voile stretch. Mes sil ad alien devant q le Obligation soit mise en suit, il est discharge.

Auxy quant un hōe seise de fies en taile, ou en droit d son feme, alien ceo ove Garranty, & ad en value tant terre en Fee-simple, que descend a son Heire, q est auxy Heire en taile, ou Heire al feme: ore si le Heire, apres le mort son Ancestor, port un Brief de Formedon, ou Sur cui in vita, p le terre issint aliene; donques il serra barr, per reason dun Garranty, & le terre issint descend, q est tant en value come ceo que fuit vende, & issint per ceo il nad receive ascun pjudice. Pur ceo cest terre est appel Assets per discent.

Assets enter maines est, quāt un home en det (cōe devant est

est dit) fait Executors, & relinquit a eux sufficient de payer, ou asc' comodity ou p'nt est venus al eux en droit leur Testator; cest appel *Assets en leur maines.*

is said) makes Executors, and leaves them sufficient to pay, or some commodity or profit is come unto them in right of their Testator; this is called *Assets* in their hands,

Assignee.

A *Assignee* est celuy a q'un chose est appoint ou assign destre occupy, pay, ou fait; & est tous foirs tiel p'son q' occupy ou ad le chose issint assigne en son droit demesne, & p' luy mesme. Et d' Assignees il y sont deux sorts, n'ost, *Assignee en Fait*, & *Assignee en Ley*.

Assignee en Fait est, quant un Lease est grant al un & a ses Assignees, ou sans cest parol, *Assignees*, & le Grant done, grant, ou vende le dir Lease al aut, il est sō Assignee en Fait. *Assignee en Ley* est chesc' Executor n'ost p' le Testator ē son Testamr. Cōe si un Lease soit fait al ū hōe & a ses Assignees, (sicome est avantdit) & il fait ses Executors, & morust sans assignement del Lease al asc' aut; les Executors avera mesme le Lease, p' ceo q' ils sont les Assignees ē Ley. Et issint est en auts semblables cases.

Assise.

A *ssise* est ū Brē q' gift ou asc' hōe est mis hors d' son frē, ou teneants, ou d' asc'

Assignee.

A *Signee* is he to whom a thing is appointed or assigned to be used, paid, or done; and is always such a person who occupies or hath the thing so assigned in his own right and for himself. And of Assignees there are two sorts, namely, Assignee in Deed, and Assignee in Law.

Assignee in Deed is, when a Lease is granted to a man and his Assignees, or without that word, Assignees, and the Grantee gives, grants, or sells the same Lease to another, he is his Assignee in Deed. Assignee in Law is every Executor named by the Testator in his Testament. As if a Lease be made to a man and his Assignees, (as is aforesaid) and he makes his Executors, and dies without assignment of the Lease to any other; the Executors shall have the Lease, because they are his Assignees in Law. And so it is in other cases.

Assise.

A *ssise* is a writ that lies where any man is put out of his lands, tenements, or of any profit

profit to be taken in a certain place; and so disseised of his *Freehold*. *Freehold* to any man is, where he is seised of lands and tenements, or profit to be taken in *Free-simple*, *Free-tail*, for term of his own or another man's life. But *Tenant by Elegit*, *Tenant by Stat. Merchant* and *Stat. Staple* may have *Assise*, though they have no *Freehold*; and this is ordained by divers Statutes.

In an *Assise* it is needful always that there be one *Disseisor* and one *Tenant*, or otherwise the *Writ* shall abate.

Also where a man is disseised, and recovers by *Assise* of *Novel disseisin*, and afterward is again disseised by the same *Disseisor*, he shall have against him a *Writ* of *Redisseisin* directed to the Sheriff to make inquisition; and if the *Redisseisin* be found, he shall be sent to prison. Also if one recover by *Assise* of *Mortdauncestor*, or by other *Jury*, or default, or by reddition, and if he be another time disseised, then he shall have a *Writ* of *Post disseisin*; and he who is taken and imprisoned for *Redisseisin*, shall not be delivered without special commandment of the King. See the Statutes *Merton* c. 3. *Marlebridge* c. 8. and *Westminster* 2. c. 26.

There is also another *Assise*, called *Assise of Fresh force*, and lies where a man is disseised of tenements which are devisable, as in the City of London, or

profit a *ponder* en certain lieu, & issint disseisie d' *so* Franktenement. *Franktenement* a *asc'* hōe est, lou il est seisie d' *freu* ou tenements, ou profit a *ponder* en *Fee-simple*, *Fee-tail*, pur terme d' son vie demesne ou p' aut' vie. Mes *Tenar* p' *Elegit*, *Tenant* p' *Stat. Merchant* & *Stat. Staple* poyēt aver *Assise*, comēt q' ils nont *Franktenement*; & c'est ordaine p' divers Statutes.

En *Assise* il covient tous foirs que il soit un *Disseisor* & un *Tenant*, ou autrement le *Brief* abatera.

Aux lou un hōe est disseisie, & recovers p' *Assise* de *Novel disseisin*, & puis est au ffoits disseisie p' mesme le *Disseisor*, il avera vers luy un *Brief* de *Redisseisin* directe al *Visc'* de faire inquisition; & si trove soit le *Redisseisin*, il serra mis en prison. Aux si home recovers p' *Assise* de *Mortdauncestor*, ou p' aut' *Jury*, ou p' default, ou p' reddition, & sil soit auterfoits disseisie, il avera dōques ū *Brief* de *Post disseisin*; & cestuy q' est pris & imprison p' *Redisseisin*, ne serra deliver sans especial comandement le Roy. Vide les Statutes *Merton* c. 3. *Marlebridge* c. 8. & *Westminster* 2. c. 26.

Auxy il est un aut' *Assise*, nomm' *Assise de Fresh force*, & gist lou hōe est disseisie d' tenements queux sont devisables, cōe en le City de *Londres*, ou
auret

autres Boroughs ou Villes que sont Enfranchises; donques le Defendant viendra en le Court del dit Ville, & entr son Plaint, & avera un Bfe direct al Maior ou Bayliffs &c. & sur ceo passera un Jury en manner de Assise de *Novel disseisin*. Mes il covient q il entr son Plaint deins quadragint jours, ut dicitur, ou autrement il serra misse a le Common Ley. Et si les Ministers delay Execution, donques le Plaintiff avera un autre Brief daver Execution, & *Sicut alias*, & un *Pluries*, &c. Vide *Littleton cap. Rents*.

Assise de darraine presentment.

A *ssise de darraine presentment*, Vi. *Quare impedit*.

Assise de Mortdancestor.

A *ssise de Mortdancestor*, Vide *Titulo Cofinage*.

Association.

A *ssociation* est un Patent mis p le Roy, ou d son motion demess, ou al suit del prie Plaintiff, al Justices de Assise, p aver aver autres psons associes al eux de prendre le Assise: Et sur ceo Patent de Association, le Roy mande son Bfe as Justices d Assise, eux comandant p icel d eux admitter q sont issint mis.

other Boroughs or Towns that are franchises; then the Defendant shall come into the Court of the said Town, and enter his Plaint, and shall have a writ directed to the Mayor or Bailiffs, &c. and thereupon shall pass a Jury in manner of Assise of Novel disseisin. But he must enter his Plaint within forty days, as it is said, or otherwise he shall be sent to the Common Law. And if the Officers delay the Execution, then the Plaintiff shall have another writ to have Execution, and a *Sicut alias*, and a *Pluries*, &c. See *Littleton cap. Rents*.

Assise de darraine presentment.

A *ssise de darraine presentment*, See *Quare impedit*.

Assise de Mortdancestor.

A *ssise de Mortdancestor*, Look in the *Title Cofinage*.

Association.

A *ssociation* is a Patent sent by the King, either of his own motion, or at the suit of the party Plaintiff, to the Justices of Assise, to have other persons associated to them to take the Assise: And upon this Patent of Association, the King will send his writ to the Justices of Assise, by it commanding them to admit them that are so sent.

If the King makes three Justices of Assise, and afterwards one of them dies, there the King may make a Patent of Association to another, to associate him to the two in place of him that is dead; and a writ, which shall be close, directed to the two Justices that are alive, to admit him. F. N. B. 185.

Affoil.

Affoil comes from the Latin *absolvere*, and signifies to deliver or discharge a man of an Excommunication; and so it is used by Stamford, in his Pleas of the Crown, lib. 2. cap. 18. fol. 71. b.

Assumpfit.

Assumpfit is a voluntary Promise made by word, by which a man assumes and takes upon him to perform or pay any thing to another. This word contains in it any verbal Promise made upon consideration, which the Civilians express by several words, according to the nature of the Promise; calling it sometimes *Pactum*, *Promissionem*; other times, *Sponsionem*, *Pollicitationem*, or *Constitutum*.

Attach.

Attach is a Taking or Apprehending by Command of writ. There are some dif-

Si le Roy fait trois Justices d'Assise, & puis l'un d'eux devie, ore le Roy peut faire un Patent a un autre d'Association, de associer luy a les deux, en lieu de ceuluy que est mort; & un Brief, que serra close, direct a les deux Justices que sont en vie, de luy admitter. F. N. B. 185.

Assiole.

Assiole venust del Latine *absolvere*, & signifie pur baile ou discharge asc' del Excommunication; & issint est use per Stamford. Pleas de Coron. lib. 2. cap. 18. fol. 71. b.

Assumpfit.

Assumpfit est un voluntary Promise fait par parol, par que homme assume ou prist sur luy a performer ou payer ascun chose al autre. Cest parol contene en ycel ascun verbal Promise fait sur consideration, que les Civilians expresse per plusors parols, accordant al nature del Promise; ceo appellant asc' foits *Pactum*, *Promissionem*; aut foits *Sponsionem*, *Pollicitationem*, ou *Constitutum*.

Attach.

Attach est un Prisure ou Apprehending par command ou Brief. La sont ascuns differences

ferences perent un Arrest & un Attachmt ; car un Arrest pcedde hors del inferiour Courts p Precept, & Attachmt hors del superiour Courts p Precept ou Brief. *Lamb. Eiren. lib. i. cap. 16.* Auxy un Arrest gist solement sur le Corps d'un home, lou un Attachmt est ascun foits sur ses Biens solemt ; come *Kitch. fol. 279. b.* dit, que home poit attach un Vache, & en aüter lien, que home poit estre attach per 100. Barbits ; & il est ascun foits agard sur le Corps & Biens ensëble al ü & mesme le tēps.

Attachment differt a un *Capias*, car *Kitchin. fol. 79. b.* ad ceux parols, Nora que en Court Baron home serra attach per biens, & ne isserra *Capias* la : Per que il semble Attachment est pluis general, extendant al prisure des Biens, lou *Capias* extende al prisure del Corps solement.

Un Attachment differt a un Distresse, come appieit per *Kitch. fol. 78. a.* ou il dit, Procelle en Court Baron est Summons, Attachment, & Distresse, q sont Procelle al Common Ley.

La est auxy un Attachment de Privilege : & ceo est en deux manns, ou donant poyer d' apprehender un hōe en un lieu privilege, ou p vertue dū Office & Privilege ; cōe de appeller un aūt a cel Court a

ferences between an Arrest and an Attachment ; for an Arrest proceeds out of the inferiour Courts by Precept, and Attachment out of the superiour Courts by Precept or Writ. *Lamb. Eiren. lib. i. cap. 16.* Also an Arrest lies onely upon the Body of a man, whereas an Attachment is sometimes upon the Goods onely ; as *Kitch. fol. 279. b.* saith, a man may attach a Cow, and in another case, that a man may be attached by an hundred Sheep ; and it is sometimes awarded upon the Body and Goods together at one and the same time.

Attachment differs from a *Capias*, for *Kir. fol. 79. b.* hath these words, Note that in a Court Baron a man shall be attached by goods, and a *Capias* shall not goe out thence : By which it seems Attachment is more general, extending to the taking of Goods, where a *Capias* extends to the taking of the Body onely.

An Attachment differs from a Distress, as appears by *Kir. fo. 78. a.* where he saith, Process in Court Baron is Summons, Attachment, and Distress, which are Process at the Common Law.

There is also an Attachment of Privilege : and this is twofold ; either giving power to apprehend a man in a place privileged, or by virtue of an Office or Privilege ; as to call another to that Court to which

which he himself belongs, and in respect of which he is privileged. New Book of Entries, fol.

431. a.

And there is a Proceſs called a forrein Attachement, which is uſed to attach the goods of Forreiners found within any Liberty or City, for a Debt due to the party himſelf. And, by the cuſtome of ſome places, a man may attach goods in the hands of a Stranger: As if A. owes to B. ten pounds, and C. owes A. another ſumme of money, B. may attach the goods of A. in the hands of C. ſo ſaſiſſe himſelf in part or all, as the Debt is.

Alſo there is Attachment of the Forreſt, which is a Court there held every forty days throughout the year: In which the Verderors have not any authority, but to receive, and inroll the Attachment of offenders againſt Vert and Veniſon taken by the other Officers, that they may be preſented at the next Juſtice ſeat in Eyre. Manwood, part 1. pag. 93. cap. 22.

Attainder.

An Attainder is a Conviction of any perſon of a crime or fault whereof he was not convicted before: As if a man have committed Felony Treason, ſuch like, and thereof is convicted, arraigned, and found guilty, and hath Judgement, then he is ſaid to be attainted.

q̄ il meſm̄ eſt attendant, & en reſpect de quel il eſt privileged. *Novel Livre d'Entrées*, fol. 431. a.

Et la eſt Proceſſe appel forreine Attachment, q̄ eſt uſe al attacher les biens del Forreiners trouve deins aſcun Liberty ou City, ſi un Debt due al party meſme. Et, p le cuſtom d'aſcuns lieux, hom̄ poit attache biens en les maines dun Eſtranger: Come ſi A. devoit al B. 10. livers, & C. devoit al A. un aũ ſum̄ d'argent, B. poit attacher les biens d' A. en les maines d' C, a luy ſaſiſſer ou en pr̄ ou en tout, come le Debt eſt.

Auxy la eſt Attachment del Forreſt, q̄ eſt un Couſt la tenus cheſcun 40. jours per tout le an: En que le Verderors nont aſc' auctority, ſorſque de receiver & inroller les Attachments del offenders encounter Vert & Veniſon priſe per les autres Officers, q̄ ils poiẽt eſtre plẽt al pchein Juſtice ſeat ĩ Eyre. *Manwood*, part. 1. p. 93. cap. 22.

Attainder.

An Attainder eſt un Conviction d'aſcun pſon dũ crime ou fault dont il nẽ ſuit convict devant: Sicome un home fait Felony, Treason, ou tiels ſemblables, & de geo eſt indiẽt, arraignẽ, & trouve guilty, & ad Judgm̄, d'oũques il eſt dĩt deſtre attaint.

Et ceo poit estre deux voyes ;
le un sur Apparence , le
auter sur Default. Le At-
tainder sur Apparence est p
Confession, Battell, ou Ver-
dict. Le Attainder sur De-
fault est per Proceffe ranque
il soit urlage.

Attaint.

Attaint est un Brief q
gift lou faux Verdict est
don per douze homes , &
Judgment done sur ceo, don-
ques le party vers que ils a-
voient pas avera cest Brief
vers les douze homes ; &
quant ils sont a issue, il sera
trie per vint quater Jurors, &
si faux Verdict soit trove, les
douze Jurors sont attaint ; &
donques le Judgment sera,
Que leur Prees serront eyrs,
leur Measons destruses, leur
Bois subvertes, & tous leur
Terres & Tenements forfeit
al Roy : Mes si passa en-
couter celuy que port cest
Attaint, il sera imprison, &
grieusement ransome al vo-
lunt le Roy. Vide le Stat.
23 H. 8. cap. 3. Attaint
auxy est quant Judgment
est done en Treason ou Fe-
lony.

Attendant.

Attendant est ou u doit fu
a duty ou service al aut,
ou ce il fait depend sur au-
ter. Come si la soit Seignior,

And this may be in two ways ;
the one upon Apparence : the
other upon Default. The At-
tainder upon Apparence is by
Confession, Battell, or Ver-
dict : the Attainder upon De-
fault is by Proceffe untill he be
outlawed.

Attaint.

Attaint is a writ that lies
where false Verdict is
given by twelve men, and
Judgement given thereon, then
the party against whom they
have passed shall have a writ
against the twelve men ; and
when they are at issue, it shall
be tried by twenty four Jurors,
and if the false Verdict be
found, the twelve men are at-
taint ; and then the Judgment
shall be, That their Meadons
shall be cryed, their Houses
broken down, their Woods
turned up, and all their Lands
and Tenements forfeited to the
King : But if it pass against
him that brought that Attaint,
he shall be imprisoned, and
grievously ransomed at the
King's will. See the Statute
23 Hen. 8. cap. 3. Attaint also
when Judgement is given in
Treason or felony.

Attendant.

Attendant is where one owes
a duty or service to another
or as it were depends upon another : As if there be a Lord
and a Vassal.

Mesne, & Tenant, the Tenant holds of the Mesne by a penny, the Mesne holds over by two pence, the Mesne releases to the Tenant all the right which he hath in the Land, & the Tenant dies; his wife shall be endowed of the land, and she shall be Attendant to the Heir of the third part of one penny, and not of the third part of two pence; for she shall be endowed of the best possession of her husband. Also where the wife is endowed by the Guardian, she shall be Attendant to the Guardian, and to the Heir at his full age.

Attournment.

Attournment is, when one is Tenant for term of life, and he in Reversion or Remainder grants his right or estate to another, then it behoves the Tenant for life to agree thereto; and this Agreement is called an Attournment. For if he in the Reversion grant his estate and right to another, if the Tenant for life attourn not, nothing passes by the grant.

But if it be granted by Fine in Court of Record, he shall be compelled to attourn. And see hereof after, Title *Quid juris clamat*, and in Littl. lib. 3. cap. 10.

Attorney.

Attorney is one appointed by another man to do something in his stead, whom he hath desired thus; *Attorney*

Mesne, & Tenant, le Tenant tient del Mesne per si denier, le Mesne tient ouster p deux deniers, le Mesne release al Tenant tout le droit que il ad en le Terre, & le Tenant mourust; sa feme serra endow del terre, & el serra Attendant al Heire del tierce part dū denier, & nemy del tierce pr del deux deniers; car el serra endowe del mieux possession de sa baron. Auxy ou le feme est endow p le Gardian, el serra Attendant al Gardiā, & al Heire a son plein age.

Attournement.

Attournement est, quant ū est Tenant pur terme de vie, & cestuy en l' Reversion ou Remainder grāta sō droit ou estare a ū autr, donques il coviēt q le Tenāt p vie agree a ceo; & cest Agreeēt est apel Attournement. Car si cestuy en le Reversion grāt son estare & son droit a un auter, si le Tenāt p vie ne attourne, riens pas p le grant.

Mes sil soit grant per Fine en Court de Record, il serra cōpel de attourne. Et vide de ceo apres, Titulo *Quid juris clamat*, & Littl. lib. 3. cap. 10.

Attorney.

Attorney est un designe p auter home a faire aucun chose en son lieu, le quel uest issint ad define; *Attorneys*

turneys sont tiels persons q p consent, commandement, ou request, caveont, veieront al, & pndront sur eux le charge de besoins de auters hoes en leur absence.

Et lou en ancien temps ceux d authority e Courts or aver ceo e leur arbitrement, ou ils voient pmitter homes de appeare ou fuer p ascū auter q eux mesmes, come appiert per *F. N. B. 25.* en le Brief de *Dedimus potestatem de Attornato faciendo*, ou il est mōstre, q hoes fuer chase a procurer les Briefs ou Letters Patents del Roy, al appointer Attorneys pur eux; il est ore provide p divers Stat. q il serra loyal issint a faire fas ascū tiel circuit. Et la est grād diversity de Briefs e le table del Register, p q le Roy comand ces Judges al admittre d'Attorneys

Per quel meās al da eine la fueront cy plusors imperite Attorneys, & cy plusors mischiefs p eux, q un Act suit 4 *H. 4. c. 18.* ordeigne p leur restraint, q les Justices exāinorēt eux, & mītrōt hors l'imperites; & *An. 33 H. 6. c. 7.* que la ne sefōt mes ū certain nūber de eux e *Norfolk & Suffolk.*

En queux cases home a cest joir joir aver ū Attorney, & en queux nemy, veies *F. N. B.* en le lieu devant cite.

Attorney est ou general, ou special. *Attorney general* est cestuy que est designe a tous nostre affaires ou Suits; cōc le

turneys are such persons as by consent, commandment, or request, take care of, see to, and undertake the charge of other mens businesse in their absence.

And where in ancient time those of authority in Courts have had it in their dispose, when they would permit men to appear or sue by any other then themselves, as appears by *F. N. B. 25.* in the writ of *Dedimus potestatem de Attornato faciendo*, where it is shewed, that men were driven to procure the writs or Letters Patentes of the King to appoint Attorneys for them; it is now provided by divers Stat. that it shall be lawful so to doe without any such circuit. And there is great diversity of writs in the table of the Register, by which the King commands his Judges to admit of Attorneys.

By which means at last there were so many unskilful Attorneys, and so many mischiefs by them, that an Act was 4 *H. 4. c. 18.* ordained for their restraint, that the Justices should examine them, and put out the unskilful; and *An. 33 H. 6. c. 7.* that there should be but a certain number of them in Norfolk and Suffolk.

In what cases a man at this day may have an Attorney, & in what not, see *F. N. B.* in the place before cited.

Attorney is either general, or special. Attorney general is that is appointed to all our affairs or Suits; as the Attorney

Attorney general of the King, Attorney general of the Duke, Cromp. 105. Attorney special or particular is he that is imployed in one or more things particularly specified. Attorneys general are made two ways, either by the King's Letters Patents, or by our own appointment, before Justices in Eyre in open Court. See Glan. lib. 11. cap. 1. Brit. 126.

Attorney general del Roy, Attorney general del Duke, Crom. 105. *Attorney special* ou particulier cestuy que est imploy en un ou plusieurs choses particulièrement spécifiées. Attorneys general sont faits deux voyes, ou par les Lettres Patentes del Roy, ou par nostre appointment devant Just' en Eyre en overt Court. Veies Glan. l. 11. c. 1. Bri. 126.

Audience Court.

Cur' d' Audience.

Audience Court (*Curia audientie Cantuariensis*) is a Court belonging to the Archbishop of Canterbury, of equal authority with the Arches Court, though inferior both in dignity and antiquity. Of which you may read more in a Book entituled, *De Antiquitate Ecclesie Britannice historia*.

Cur' d' Audience est une Curie qui appartient au Archevesq de Canterbury, de egal autorité ; avec le Cur' de Arches, bien q' inferieur en dignité & antiquité. De quel vous puis lire plusieurs en un Livre entitule, *De Antiquitate Ecclesie Britannice historia*.

Audita querela.

Audita querela.

Audita querela is a Writ that lies where one is bound in a Statute-Merchant, Statute-Staple, or Recognisance, or where Judgment is given against him for Debt, & his body in Execution thereupon ; then if he have a Release, or other matter sufficient to be discharged of Execution, but hath no day in Court there to plead it, then he shall have this Writ against him which hath recovered, or against his Executors.

Audita querela est un Brief q' gist lou un est obligé en un Estatute-Merchant, Estatute-Staple, ou Recognisance, ou lou Jugement est done vers luy par Detr, & son corps en Execution sur c' ; doncs sil ad un Releas, ou autre suffisant mat' de se' discharge del Execution, mes nad jour en Court de ceo pleader, donques il avera cest Brief vers cestuy que ad recover, ou vers ses Executors.

Auditeur.

Auditeur est un Officer del Roy ou del autre grand person, q. p. annuel examination del Accounts d. tout inferiour Officers accountable, fait un genal Livre, q. monstre le difference penter lour Receptions ou Charge, & lour Payments ou Allocations. Veies le Stat. 33 H. 8. c. 33.

Average.

Average est le Service q. le Tenant doit a son Seign', destre fait p. les Avers le Tenant: & semble destre derive del parol *Averia*, p. ceo q. est le Service q. les Avers le Tenant pforme p. le Seignior p. carriage ou autrement. Auxy ceo parol ad un autre signification, & est mult use en le Statute 32 H. 8. c. 14. pur un certain Contribution, que Merchants & autres payont p. proportionement p. les perdes de eux que ont leur biens ejects en un tempest p. le safeguard del Niese, ou des biens & vives de eux que sont en le Niese.

Averment.

Averment est, lou un hoire plead un Plea en Abatement del Brief, ou Barf d' Action, que il dit est

Auditor.

Auditor is an Officer of the King or some other great person, who by yearly examining the Accounts of all under-Officers accountable, makes up a general Book, that shews the difference between their Receipts or Charge, and their Payments or Allowances. See the Statute 33 H. 8. c. 33.

Average.

Average is that Service which the Tenant owes his Lord, to be done by the Beasts of the Tenant: and is so called because it is the Service which the Tenant's Beasts perform for the Lord by carriage or otherwise. This word also hath another signification, and is much used in the Statute 32 H. 8. c. 14. for a certain Contribution, which Merchants and others pay proportionably towards their losses that have their goods cast out in a tempest for the saving of the Ship, or of the goods or lades of them that are therein.

Averment.

Averment is, where a man pleads a Plea in Abatement of the Writ, or Barre of the Action, which he saith he is ready

ready to prove as the Court will award. This offer to prove his Plea is called an Averment.

prist de pver cōe le Court voit agard. Cest offer de prover son Plea est appel un *Averment*.

Averpenny.

Averpenny.

A Verpenny is to be quit of divers summs of money for the King's arrerages.

A *Verpenny est, quitum esse de diversis denariis pro arreragijs Domini Regis.*

Augmentation.

Augmentation.

Augmentation was the name of a Court created in the 27. year of King Henry the eighth. And the cause thereof was that the King might be justly used touching the profits of such Religious Houses and their Lands as were given him by Act of Parliament the same years not printed. For dissolving which Court there was an Act made in the Parliament held in the first year of the Reign of Queen Mary, Sess. 2. cap. 10. which she afterward put in execution by her Letters Patents. The name of the Court arises from this. That the Revenues of the Crown were so much augmented by the Suppression of the said Houses as the King referred to the Crown, and neither gave nor sold to others. But the Office of Augmentation remains to this day, wherein there are many Records of great use and importance.

Augmentation... fuit le nom d'un Court erect en le 27. an del Roy Henry le huit. Et le cause d'iceo fuit, q le Roy puit estre voierment use touchant les profits d'icels Religions Measons & leur Tres que fueront done a luy p Act d'Parliament mesme l'an, nient imprimee. Pur le dissolving d'quel Court la fuit un Act fait en le Parliament tenu en le prim an del Reigne del Roigne Mary, Sess. 2. cap. 10. que el puis mis en execution per sa Letters Patents. Le nomme del Court sur de ceo, Que les Revenues del Corone fueront tant augment p le Suppression des dit Measons quant le Roy reserve al Corone, & nient done, ou vende al auters. Mes le Office de Augmentation remaine a cest jour, en que la sont plusors Records de grand use & importance.

Aumone.

Aumone, ou Tenure en Al-
moin, est Tenure p Di-
vine service; car issint Brit.
dit, fo. 164. Tenure en Aumone
est fre ou tenements done a Au-
mone, dont asc^e Service est
retenue al Feoffor ou Donor.

Aumone.

Aumone, or Tenure in Al-
moin, is Tenure by Di-
vine service; for so sayd Briton,
fol. 164. Tenure in Aumone is land
or tenements giben for Alms;
wherof some Service is refer-
ved to the feoffor or Donor.

Auncel weight.

Auncel weight fuit un an-
cient maner de Poiser e
Angleterre, p le peder des ba-
lances ou hooks al chesc^e fine
d'un baston, le quel le party
elevant sur son digit, ou ove
sa maine, & issint discerne le
equality & difference des cho-
ses poises. Mes c^e Weight este-
ant subject al mult^e deceit,
divers Statutes fueront faits
q ceo ouster; cō le Statute
25 E.3.c.9. & 34 E.3.c.5. &
8 H.6.c.5. & autres. Et fuit
appel *Auncel weight*, quasi
Handsale weight.

Auncel weight.

Auncel weight was an anci-
ent manner of Weighing
in England, by the hanging of
balances or hooks at each end of
a staff, which the party lifted
up upon his finger, or with his
hand, and so discerned the equa-
lity or difference of the things
weighed. But this weight be-
ing subject to much deceit, many
Statutes were made to out it;
as the Stat. of 25 E.3. c.9. &
34 E.3. c.5. & 8 H.6. c.5. and o-
thers. And it was called Auncel
weight, as much as to say Hand-
sale weight.

*Auncient ou Ancient
demesne.*

Ancient demesne est un
certain Tenure p quel
touts ceux Manors quelx fu-
eront e maines de S. Edward
le Confessor, & les queux il
fist escrier en un Liv^e appel
Dooms-day, sub titulo *Regis*, &
touts les fies tenus d^e dit Ma-
nor, sont tenuz; & les Tenants
ne ferr^t impleade hors del dit

*Auncient or Ancient
demesne.*

Ancient demesne is a certain
Tenure whereby all those
Manors that were in the hands
of S. Edward the Confessor, and
which he caused to be written in
a Book called *Dooms-day*, sub ti-
tulo *Regis*, and all the lands hol-
den of the said Manors, are
held; and the Tenants shall
not be impleaded out of the said

Manors; and if they be, they may shew the matter and abate the writ: but if they answer to the writ, and Judgment be given, then the lands become frank-fee for ever. Also the Tenants in Ancient demesne are free of Toll for all things concerning their sustenance and husbandry in Ancient demesne, and for such lands they shall not be put or empannelled upon any Enquest. But all the lands in Ancient demesne that are in the King's hands are frank-fee, and pleadable at the Common Law. See more after in the Title Sokmans.

Manors; & sil soyent, ils poyent mostre le matter, & abater le Brief: mes sil responder al Brief, & plead, & Judgment soit done, donqs les fres sont devenus frank-fee a tous jours. Auxy tous Tenants en Ancient demesne sont frank & Tolle p tous choses concernont leur viad & husbandrie en Ancient demesne, & p tiels fres ils ne serr' mis ne empannel sur asc' Enquest. Mes tous les fres en Ancient demesne queux sont en maines le Roy sont frank-fee, & pleadable al Com' Ley. Veies plus apres en le Title Sokmans.

Avoir de pois.

Avoir de pois.

A Voir de pois is as much as to say, true or just weight: And it signifies in our Law two things; first, a kind of weight diverse from that which is called Troy weight, which hath but 12 ounces to the pound, whereas Avoir de pois hath 16. Secondly, it signifies such Merchandises as are weighed by this weight, and not by Troy weight. As you may see in the Statute of York, 9 E.3. & 27 E.3. 19 Stat. 2. c. 10. and the Statute of Glo'ster, 2 R. 2. c. 1.

A Voir de pois est tant a dire, veri sive just pondus: Et signifie en nre Ley deux choses; Primermt, un kind d Pois different d ceo q est appel Troy weight, q nad forsq 12 ounces al liver, lou le Avoir de pois contene 16. Secondmt, signifie tiel Merchandises queux sont poises p cest weight, & nemy p Troy weight. Cde est a veier en le Stat. de York, 9 E.3. & 27 E.3. Stat. 2. c. 10. & le Stat. d Glo'ster, 2 R. 2. c. 1.

Avowrie.

Avowrie.

A Vowrie is, where one takes a Distress for Rent or other thing, and the other sues Replevin; then he that hath

A Vowrie est, lou un prist Distresse pur Rent ou aut chose, & laus sua Replevin; donqs celui q avoit

ceo prise justifiera e son Plea
p quel cause il prist ceo : & si
il prist ceo en son droit de-
mesne, il doit ceo monstre, &
issint avow a le prisel, & ceo
est appel son *Avowry*. Mes
fil ceo prist en ou p le droit d'
un auter, donques quant il
avoit monstř le cause, il ferra
conusance del prisel, eoe Bai-
life ou servanc a celuy en q
droit il prist ceo.

Answer.

A *Wine* est un Vessel que
containe 40 broces de
vine Reinish, & est mention
e le Statute fait i *Jac. c. 33.*

taken it shall justifie in his Plea
for what cause he took it : and if
he took it in his own right, he
ought to shew that : and so about
the taking, and that is called
his *Avowry*. But if he took it
in or for the right of another,
then when he hath shewen the
cause, he shall make consauance
of the taking, as *Bailiff* or ser-
vant to him in whose right he
took it.

Answer.

A *Wine* is a Vessel that con-
tains 40 gallons of Rhe-
nish wine, and is mentioned in
the Statute made i *Jac. c. 33.*

B.

Backberind Theef.

B *Ackberind Theef* est ū
Laron prise ove le
mañ, cest adire, aiant
ceo trove sur luy
(esteant plue ove le
Hue & cry) le quel il ad em-
blee, soit il money, linnen,
woollen, ou auř stuff : mes il
est pluis ppermt dir, quant il
est prise portant tielx choses
q il ad emblee en un bundle
ou fardel sur son Dorse.

Manwood en part 2. ceo
note p un des quater circum-
stances ou cases en que un
Forester poit arrest le corps d'
ase' offender encounter Verr
ou Venison en le Forest; qux

B.

Backberind Thief.

B *Ackberind Thief* is a Thief
taken with the manner
that is, having that
found upon him (being
followed with the Hue
and cry) which he hath stolen
whether it be money, linen,
woollen, or other stuff : but it is
most properly said, when he is
taken carrying those things
that he hath stolen in a bundle
or fardel upon his Back.

Manwood in part 2. notes
this for one of the circumstan-
ces or cases in which a fo-
rester may arrest the body of any
offender against Vert or Veni-
son in the Forest ; which
are,

agg. Dog-draw, Stable-stand, Back-berind, and Bloudy-hand.

font, Dog-draw, Stable-stand, Backberind, & Bloudy-hand.

Badger.

Badger.

BAdger is as much as to say Bagger, of the French word *Baggage*, id est, *Sarcina*: And it is used with us for one that is licensed to buy Corn or other Victuals in one place, and carry them to another; and such a one is exempted in the Statute made in the 5 and 6 of E. 6. cap. 14. from the punishment of an Ingrosser within that Statute.

BAdger est tant adire cōe Bagger, del Francois parol *Baggage*, id est, *Sarcina*: Et est use ove nous p un q est licence de acheter Corne ou auters Victuals en un lieu, & de eux transporter al auter; & tiel home est exempt en le Statute fait An. 5 & 6 E. 6. cap. 14. del punishment d'un Ingrosser deins ceo Statute.

Bail.

Baile.

BAil is, when a man is taken or arrested for Felony, suspicion of Felony, indicted of Felony, or any such case, so that he is restrained of his liberty, and being by Lawailable, offers Sureties to those who have authority to bail him; which Sureties are bound for him to the King's use in a certain summe of money, or body for body, that he shall appear before the Justices of Gaol-delivery at the next Sessions, &c. Then upon the Bonds of these Sureties, as is aforesaid, he is bailed, that is, set at liberty, until the day appointed for his Appearance.

BAile est, quant ū hōe est prise ou arrest p Felony, suspicion de Felony, indictē d Felony, ou asc' tiel case, iussim q il est restraine d son liberte, & estreant p le Ley bailable, offera Surety al eux q ont auctorite de luy bailer; queux Sureties sont oblige p luy al use le Roy en certain sum dargēt, ou corps p corps, q il appiera devant les Justices de Gaole-delivery al prochain Sessions, &c. Donques sur les Bonds d ceux Sureties (come est avantdit) il est baile, cest adire, mis al liberte, tanq le jour appoint p son Appearance.

Manwood in the first part of his Forest law, pag. 167. says, There is a great diversity between Bail and Mainprise; for

Manwood en le prin part de son Forest ley, pag. 167. dit, Que la est ū grand diversité entre Baile & Mainprise; car cestuy

cestuy q̄ est mainprise est
touts foits dit destre a large,
& daler a son liberty demesn
hors de gard, puis q̄ il est mis
al Mainprise, jelsq̄ le jour de
sō Appearāce, p̄ reasō de cō-
mō Sumons ou autermt. Mes
nest issint ou home est mis al
Bail p̄ quat̄ ou deux homes, p̄
le Sñr chief Justice en Eyre
del Forest, jelsq̄ un certain
jour : car la il est tous foits
accoūt per leLey destre a lour
gard & custodie p̄ le tēps ; &
ils poient, sils voilōt, tener
luy engard ou ē prison au c'
temps, ou autermt a lour vo-
lunt : issint q̄ il q̄ est baile ne
serf̄ dit p̄ leLey destre a large,
ou a sō liberty demesne.

he that is mainprised is al-
waies said to be at large, and
to go at his own liberty out of
ward, after he is put to Main-
prise, until the day of his Ap-
pearance, by reason of common
Summons or otherwise. But
it is not so where a man is put
to bail by four or two men, by
the Lord chief Justice in Eyre of
the Forest, until a certain day :
for there he is always accounted
by the Law to be in their ward &
custody for the time ; and they
may, if they will, hold him in
ward or in prison till that time,
or otherwise at their will: so that
he that is bailed shall not be said
by the Law to be at large, or at
his own liberty.

Bailement.

Bailement est un Delive-
ry de choses, soyēt ils
Escripts, Biens, ou stuffe, al
auter, asc' foits destre rede-
liver arriere al Bailor, cest a-
dire, al celuy q̄ issint deliver
ceo, asc' foits al use del Bailee,
cest adire, de luy a q̄ il est de-
liver ; & asc' foits auxy il est
deliver a ū tierce persō. Cest
Deliverie est appel ū Bailmet.

Bailement is a Delivery of
things, whether Writings,
Goods, or stuff, to another, some-
times to be delivered back to the
Bailor, that is, to him that so
delivered it ; sometimes to the
use of the Bailee, that is, of him
to whom it is delivered ; & some-
times also it is delivered to a
third person. This Delivery is
called a Bailment.

Bailife.

Baillife est un Offic' q̄ ap-
pertient a un Manor, p̄
order le husbandry, & ad au-
thority de payer Quit rents
issuāt hors del Māor, succider
arbres, repaire les meāsōs, fair

Bailif.

Baillif is an Officer that be-
longs to a Manor, to order
the husbandry, and hath autho-
rity to pay Quit-rents issua-
ing out of the Manor, fell
trees, repair houses, make
pales,

pales, hedges, distrain beasts doing hurt upon the ground, and divers such like. This Officer is he whom the ancient Saxons called a Reeve, for the name Bailif was not then known amongst them, but came in with the Normans, and is called in Latine Villicus.

There are two other sorts of Bailifs, that is, Bailifs errant, and Bailifs of Franchises. Bailifs errant are those that the Sherif makes and appoints to go about the County to execute Writs, to summon the County Sessions, Assises, and such like. Bailifs of Franchises are those that are appointed by every Lord within his Liberty, to doe such offices within his Precincts as the Bailif errant doth abroad in the County. This Bailif distrains for Amerciaments in Courts held within the Manor of which he is Bailif. But if such Court is by prescription to be held within one moneth after a feast, and the Steward holds it after the moneth, and in this Court assesse a fine or Amerciament, and the Bailif distrains for it; the party that is so distrained may have an Action of Trespass against the Bailif.

Bank.

Bank (in French Banq, i. Mensa) is most usually taken for a Seat or Bench of Judgement; as Bank le Roy, the King's

pales, haies, distrain divers daage fesai sur le fre, & divers tiels seblables. Cest Office est celuy q les anciens Saxons ont appel u Reeve, car le nosme Bailife ne suit donques conus ent eux, mes vient eins ove les Normans, & est appel e Latine Villicus.

La sont deux aus sorts de Bailifes, cest adire, Bailife errant, & Bailifes de Franchises. Bailifes errant sont ils q le Vicount fait & design daler environ le County a executer Briefs, a summon le Countee Sessions, Assises, & tiels semblables. Bailifes de Franchises sont tiels que sont design p chescun Sñr deins son Liberty, a faire tiels offices deins son Precincts q l' Bailife errant fait a large en le County. Cest Bailife distrain pur Amerciants assesse en les Courts tenus deins le Manor de q il est Bailife. Mes si tiel Court est p prescriptiõ destre tenu deins un mois apres un Feast, & le Seneschall tient ceo apres le moys, & en ceo Court assesse un Fine ou Amerciant, & le Bailife distrein p ceo; le pry q est distrein puit aver u Actiõ de Trespasse vers le Bailife.

Bank.

Bank (en Francois Banq, i. Mensa) est usualment prins pur un Selle ou Bank de Judgement; come Bank le Roy,

Roy, Bank de Commune Places
ou Commune Bank. Kitchin. f.
102. appelle auxy en Latin
Bancus Regius, & Bancus Com-
muniū Placitorum. Crompt.
Jur. fol. 67, & 91.

Bankrupt.

B Ankrapt, p le Statute 1 Jac. c. 15. est ainsi describe; Tours & chescū tiel pson & psons, usāt, ou q use-roit le trade de Merchandise p voye d' Exchange, Barterie, Chevillace, ou autrēt ē gros, ou p querōr son, sa, ou lour trade de viver p emperion ou vōditiō, & esteāt un subject nor de cest Realm, ou asc' des dominiōs del Roy, ou denizē, q al asc' tēps eitra le prin jour d cest plet Parliamē, ou al asc' tēps en aps departera le Roialm, ou cōmence a re-raīn sō ou sa meson ou mea-sōs, ou auterint de absēnt luy ou sa mesm, ou pndra sātēn-rie, ou suffer luy ou sa mesm volūtariint destē arrest p asc' Debt, ou aut chose niēt cref-sant ou due p argent deliv', wares vōd, ou asc' aut just ou loyal cause, ou bon cōsiderac' ou purposes, ou ad ou voile suffer luy ou sa m destre ut-lage, ou dō luy ou sa m al pri-son, ou volūtariint ou fraudu-lēint ad ou pcurera luy ou sa m destē arrest, ou ses ou sa biens, argent ou chattels, destre attach ou sequestē, ou departera de son. ou sa

Bank. Bank de Common Places,
the Bench of Common Places
or Common Bench. Kitchin. fol.
102. called also in Latin Bancus
Regius, & Bancus Communium Pla-
citorum. Crompt. Jur. f. 67, & 91.

Bankrupt.

B Ankrapt, by the Stat. 1 Jac. c. 15. is thus described; All and every such person and persons, using, or that shall use the trade of Merchandise by way of Bargaining, Exchange, Barter, Chevilance, or otherwist in grosse, or by seeking his, her, or their trade of living by buying and selling, and being a subject born of this Realm, or any the King's Dominions, or denizen, which at any time since the first day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep his or her house or houses, or otherwise to absent him or her self, or take sanctuary, or suffer him or her self willingly to be arrested for any Debt, or other thing not grown or due for money delivered, ware sold, or any other just or lawful cause, or good considerations or purposes, or hath or will suffer him or her self to be outlawed, or yield him or her self to prison, or willingly or fraudulently hath or shall procure him or her self to be arrested, or his or her goods, money or chattels, to be attached or sequestred, or depart from his or her dwelling-

dwelling-house, or make or cause to be made any fraudulent Grant or Conveyance of his, her, or their Lands, Tenements, goods, or chattels, to the intent or whereby his, her, or their Creditors, being subjects born, as aforesaid, shall or may be defeated or delayed for the recovery of their just and true Debt, or being arrested for Debt, shall after his or her Arrest lie in prison six moneths or more upon that Arrest or Detention in prison for Debt, and shall lie in prison six moneths upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt to all intents and purposes. See the Stat. 14 Car. 2. ca. 23.

Banneret.

Banneret is a Knight made in the field, with the ceremony of cutting off the point of his Standard, and making it as it were a Banner. And such are allowed to display their armes in a Banner in the King's army, as Barons do. And that such were next unto Barons in dignity, appears by the Statute made in the 7 year of R. 2. Stat. 2. cap. 4. by which Statute it seems, such Bannerets were anciently called by summons to the Parliament.

meason inhabit, ou faiera ou causera destr fait ascun fraudulēt Grant ou Conveyance de son, sa, ou lour Terrs, Tenemens, biens ou chattels, al entent ou p q son, sa, ou lour Creditors, esteant subjects nee, come avantdit, serf ou poient estf defear ou delay p le recovery de lour just & voyer Dett, ou esteāt arrest p Dett, aps son ou sa Arrest gisera in prison siz moys ou pl' sur cé Arrest, ou ascun aū Arrest ou Detenc' en prison pur Dett, & gisera en prison siz moys sur tiel Arrest ou Detention, serra accōpt & adjudge ū Bankrupt a chescū intēts & pposes Veies le Stat. 14 Car. 2. ca. 23.

Banneret.

Banneret est un Chivaler fait en le campe, ove le ceremony del amputer le point de son Standard, & feasant ceo sicome un Banner. Et tiels sont allowes p display lour armes en ū Banner en le army le Roy, come Barons sont. Et que tiels fueront pecheins as Barons ē dignitie, appiert p le Statute fait en le 7 an d R. 2. Stat. 2. ca. 4. p quel Statute semble que tiels Bannerets fueront ancientment appels per summons al Parliament.

Bannum.

B *Annus sive Bannum* est ū parol frequent & ordinary en les Feudists, & signifie ū Proclamation, ou aſc' publiq' notice doñ d'aſc' choſe. *Bra. li. 3. tra. 2. cap. 21.* fait mention de *Banno Regis* p' un Proclamation, ou ſilence fait p' le Crier devāt le congreſſe des Champions en ū combat. Mes nous uſons ceſt pol *Banns* principalmt p' le Publication des Contracts matrimoniall é l' Eſgliſe devant Marriage.

Bargaine & ſale.

B *Argaiac & ſale* est, qāt ū Recompence est doñ p' ambideux les parties al Bargaine : Cōe ſi un bargaine & vēd ſō Teſ al auſ p' argē, iēy le terr' est ū Recompēce a luy p' le argent, & le argent est un Recompence al auſ p' le tē; & ceo est un bone Contract & Bargaine. Et p' tiel Bargaine & ſale terres poiēnt paſſe ſans Liverie de ſeiſin, ſi le Bargaine & ſale ſoit per Fait indent, ſeale & inrolle, ou en le Countie lou le terre giſt, ou en un des Courts del Roy de Record al *weſtmiſter*, deins ſiz moys p'chein aſs le date de melme le Eſcript indent, &c. accordant al Statute en ceo caſe fait en le 27. an. de H. 8. cap. 16.

Banns.

B *Annus* is a word common and ordinary amongst the Feudists, and ſignifies a Proclamation, or any publick notice given of any thing. *Bract. lib. 3. tra. 2. cap. 21.* makes mention of *Bannus Regis* for a Proclamation, or ſilence made by the Crier before the meeting of the Champions in a combat. But we uſe this word *Banns* eſpecially for the Publication of matrimoniall Contracts in the Church before Marriage.

Bargain and ſale.

B *Argain and ſale* is, when a Recompence is given by both the parties to the Bargain : as if one bargain and ſell his Land to another for money, here the land is a Recompence to him for the money, and the money is a Recompence to the other for the land ; and this is a good Contract, and Bargain. And by ſuch a Bargain and ſale lands may paſſe without Liberty of ſeiſin, if the Bargain and ſale be by Deed indented, ſealed and inrolled, either in the County where the land lies, or in one of the King's Courts of Record at *Westminster*, within ſix moneths next after the date of the ſame writing indented, according to the Statute in that behalf made in the 27. year of H. 8. cap. 16.

Barre.

Barre.

Barre is, when the Defendant in any Action pleads a Plea which is a sufficient Answer, and destroys the Action of the Plaintiff for ever.

And it may be divided into Barre to common intendment, and Barre special. Barre to common intendment is an ordinary or general Barre, which commonly disables the Declaration or Plea of the Plaintiff. Barre special is that which is more then ordinary, and falls out in the case in question, upon some special circumstance of the fact: As an Executour, being sued for the Debt of his Testatour, pleads, that he hath nothing in his hands at the day of the Writ purchased; this is a good Barre to common intendment, or at first sight: but yet the case may be such, that more goods may come to his hands after that time, which if the Plaintiff can shew by way of Replication, then, except the Defendant hath a more special Plea or Barre to alledge, he is to be condemned in the Action. See Plow. fol. 26, 28. And in the same sense Barre is also divided into Barre material or special, and Barre at large. Kir. fol. 68.

Barre is also in regard of the time divided into Barre perpetual, and Barre temporary. Perpetuall is that which overthrows

Barre.

Barre est, quâr le Defendant en asc' Actiô plede û Plee q̄ est un sufficient Respons, & ceo adnulle Action del Plaintife a tous jours.

Et ceo poit estre divide en Barre al common intendment, & Barre special. Barre al common intendment est un ordinarie ou general Barre, q̄ comunemēt disable le Count ou Plea del Plaintife. Barre special est ceo que est plus que ordinary, & happa en le case en question, sur ascun speciall circumstance del fact: Come un Executor, esteant sue pur le Dett de son Testator, plede, que il ad riens en ses mains al jour quât le Brief suit purchase; ceo est un bone Bar al common intendment, ou *prima facie*: mes uncore le case poit estre tiel, q̄ plusors biens poyent venî a ses mains puis cel temps, q̄ si le Plaintife poit monstre p voy de Replication, donq̄ sinon q̄ le Defendant ad un plus special Plea ou Bar de alledge, il est destr̄ condempne e le Action. Veies *Plow. fo. 26, 28.* Et en mesm le sensẽ Bar est auxy divide e *Bar materiall* ou *speciall*, & *Bar at large*. *Kir. fo. 68.*

Barre est auxy en regard del effect divide en Barre perpetual, & Barre temporary. Perpetual est ceo que qualh

l' Action a tous jours: *Temporarie* est ceo que est bone pur le present, & puit aps failer; come, *Plene administravit* est bone. Bas jesque puit appearer q plusors biens vient puis al maines des Executors: queux auxy tient pur le Heire, q en un Acc' de son ancestors Dett plede *Riens per descent*. Veies *Brook tit. Barre*, nu. 23.

Barre fee.

Barre fee est ũ Fee de vint deniers, q chescū prisōer q est acquite de Felony paieſ al Viscount ou Gaoler: & de ceo veies 21 H.7.16.b.

Barretor.

Barretor est un common Mover, excitor, ou maintainer de Suits, Quarrels, ou parts, ou en Courts ou en Pays: En Courts de Record, & en le Countie, Hūdred, & auſ inferior Courts: En Pays, en trois manners; primerint, en disturbāce dī peace, secondint, en prisel ou deteiner des possessions des meafons, t̄res, ou biens, &c. q sont en question ou controverſie, non solem̄t p force, mes auxy p subtiltie & deceit, & pluifrest en suppressiō de verity & droi; ierceint, per faux invētion & sowing de Calūniatiōs, Rumors & Reports, faislāt discord & disquiet surg' in-

the Action for ever: *Temporarie* is that which is good for the present, and may afterwards fail; as, *Fully administrated* is a good Barre, untill it appear that more goods came afterward to the hands of the Executors: which also holds for the Heir, who in an Action for his ancestors Debt pleads Nothing by descent. See *Brook tit. Barre*, nu. 23.

Barre fee.

Barre fee is a fee of twenty pence, which every prisoner, acquitted of felony, pays to the Sheriff or Gaoler: of which see 21 Hen. 7. 16. b.

Barretor.

Barretor is a common Mover, stirrer up or maintainer of Suits, Quarrels, or parts, either in Courts or in Country: In Courts of Record, & in the County, Hundred, and other inferiour Courts: In Country, in three manners; first, in disturbing the peace; secondly, in taking or detaining the possessions of houses, lands, or goods, &c. that are in question or controverſie, not only by force, but by subtilty and deceit, and more usually in suppression of truth and right; thirdly, by false inventing and sowing of Calumnies, Rumours and Reports, making discord and disquiet to rise be-

than his neighbours. *De*
more of this. Co. lib. 8. fo.
36, 37.

ter les vicines. Veies
pluis de ceo, Co. li. 8. fo.
36, 37.

Barter.

Barter.

Barter seems to come of the
French word Barater, which
signifies to circumvent: and
this word is used with us for
the Exchange of wares for
wares, and it is mentioned in
the Statutes of 1 R. cap. 9. & 13
Eliz. cap. 7.

Barter semble de venir
del Francois parol Bara-
ter, (i.e.) *circumvenire*: & cest
pol est use ove nous pur le
Exchange des wares pur
wares, & est mention en les
Statutes 1 R. 3. cap. 9. &
13 Eliz. cap. 7.

Base Fee.

Base Fee.

To hold in Fee Base is, to
hold at the will of the
Lord. And a Base Fee is also
where any hath an Estate in
land so long as another shall
have heirs of his body; of
which Estate see Plow. in Wal-
tingham's Case, fol. 557. a.

Tener en Fee Base est, a
tenir a volunt le Seig-
nior. Et un Base Fee est auxy
lou ascun ad Estate en terr p
cy longe temps come auter
avera heires de son corps; de
quel Estate veies Plow. en
Walsingham's Case, fo. 557. a.

Bastard.

Bastard.

Bastard is he that is born of
any woman not married,
that his father is not known
by order of Law, and therefore
reputed the Child of the
people.

Bastard est celuy que est
nee de ascun feme nient
espouse, issint que son pere
nest connus per le order del
Ley, & pur ceo il est dit
Filius populi.

When special Bastardie is
alleged, it shall be tried by
the Country, and not by the
Bishop. But generally Ba-
stardie alleged shall be tried by
certificate of the Bishop.

Quant especial Bastardie
est allegee, il serra trie p le
Pays, & nemy p l' Eveque.
Mes generalment Bastardie
allege serra trie per le Cer-
tificate del Eveque.

And if a woman be great
with child by her husband, who
dies, and she takes another hus-

Et si un feme soit grosse
de enfant per son baron, q
mourust, & el prist auter ba-
ron,

ron, & apres le enfât est nee; cest enfant serra dit le enfant de primer baron. Mes si el fuit privement enseint al tēps del mort sa primer baron, donques il serra dit le enfant de second baron. Sed quere, & veies le opinion de *Thorp*, 21 E. 3. 39.

Auxy si ū home prent feme q̄ soit grossēmēt enseint p̄ aucun autre que ne fuit sa baron, & après l' enfant est nee deins les Espousels; donques il serra dit l' enfant de baron, mesque il fuit nee forsque un jour apres les Espousels solempnise.

Baston.

Baston est un parol Francois, & signifie *Baculum*; mes en nre Statutes est prise p̄ un des servants del Gardein le Fleet, q̄ attend les Courts le Roy ove un colored Baston, pur le prender d' eux al gard q̄ sont commise p̄ le Court, & p̄ le attendre sur eux q̄ esteāts p̄sōers sōt p̄mises d' aler alarge p̄ licēce. Et issint est use en l' Statutes 1 R. 2. ca. 12. & 5 Eliz. ca. 23.

Battail.

Battail est ū anciēt Trial de nostre Ley, q̄ le Deseñdant en ū Appeal de Murder, Robbery, ou Felony, poit ellier, costascavoir, a combater ove

band, and after the child is born; this child shall be esteemed the child of the first husband. But if she were privily with child at the time of the death of her first husband, then it shall be reputed the child of the second husband. But enquire farther and see the opinion of *Thorp*, 21 E. 3. 39.

Also if a man take a wife who is great with child by another who was not her husband, and after the child is born within the Espousals; then it shall be deemed the child of the husband, though it were born but one day after the Espousals solemnized.

Baston.

Baston is a French word, and signifies a Staffe; but in our Statutes it is taken for one of the Warden of the Fleet's men, that attends the King's Courts with a painted Staffe, for the taking of such to ward as are committed by the Court, and for the attending upon such prisoners as goe at large by licence. And so it is used in the Statutes 1 R. 2. ca. 12. & 5 Eliz. cap. 23.

Battail.

Battail is an ancient Trial in our Law, which the Defendant in Appeal of Murder, Robbery, or Felony, may choose, that is, to fight with

the Appellant, for proof whether he be culpable of the Felony or not: which Combat, if it fall out so well on the part of the Defendant, that he doth vanquish the Appellant, he shall go quit, and barr him of his Appcal for ever. But if one be indicted of Felony, and an Appeal is brought upon the same Indictment, there the Defendant shall not wage Battail. Battail also may be in a Writ of Right, as in *Paramour's Case*, Dyer 301. pla. 41, 42. where the Champions were chosen, and the Battell awarded, and the Champions were by Sureties and Oath to perform the Battell at Totchill in Westminster; but by default of appearance in the Demandant nothing was done therein.

Batterie.

Batterie is an act that tends to the breach of the peace of the Realm; as when a man assaults and beats another, this is against the Law and peace of the Realm, which ordains, That no man shall be his own Judge, or Revenger of his own private wrong, but shall leave this to the censure of the Law, which is always ready to hear and redress the rightfull and just complaints of every man: wherefore he that is so beaten may either indict the other party who upon it shall be fined to the King, or have his Action of

l'Appellant, p proof sil soit culpable del Felony ou non: q'l Combate sil succede cy-bien del part le Defendant, q il vanquish l'Appellant, il alera quit, & luy barrera de son Appeal a tous jours. Mes si un soit indict de Felony, & un Appeal est port sur mesme le Indictment, la le Defendant ne gagera le Battail. Battail auxy poit estre en un Brief de Droit, come est en *Paramour's Case*, Dyer 301. pla. 41, 42. ou les Champions fuer elies, & la Battell agard, & les Champions fueront p Mainprise & Jures de performer le Battell al Totchil en Westminster; mes per default de appearance en le Dct riens suit fait en ceo.

Batterie.

Batterie est un act que tendre al breach del peace del Royalm; sicome quant u home assault & batter u auf, ceo est encounter le Ley & peace del Royalm, le quel ordeigne, Que nul hoe serra son Judge demesne, ou Revenger de so private tort, mes ceo laifera al censure del Ley, que est tous foits prist de oyer & redresser les droiturall & just querels de chescu home: pur que cestuy q est issint assault poit ou inditer lauf partie, que sur ceo serra fine al Roy, ou aver so Actio d Trespass.

Trespasse de Assault & Battery vers luy, (car chescun Battery imply un Assault) & recover tant é costs & damages que le Jury voile doner a luy p leur Verdict; & le Defendant sur cest Indictment serra fine al Roy, & le Action de Trespasse voile giser cy bien devant come apres le Indictment. Mes si le Plainrife en tiel Action fist le prim assault, donques le Defendant alera quit, & le Plainrife serra amercee al Roy pur son faux Suit. Et est destre observe, que le Record del Convictio del partie per Indictment poit serve p Evidéce é le Actio de Trespasse port sur mesme le Assault & Battery.

Mes nient obstant que le partie avera un double punishment p tiel offence, cest a dire, serra punish al Roy & al party; uncore aucuns y font que en respect de leur natural, & aus q é respect d' leur civile power & autorite ouster aus, é un reasonable & moderate maner poier eux chastiser, corrécter, & batter; come le Parent leur Puer, le Master son Servant ou Apprentice, le Gaolour ou son servant les turbulent Prisoners, le Offic' cestuy q est arrest, & ne voile auisr obeyer. Auxy hōe poit justifie le batture dū aut é desce de sō p sō demesne, ou del p sō d' son sem, pere, mief, ou maister. Et hōe poit justifie l' batture d'

Trespasse of Assault and Battery against him, (for every Battery implies an Assault) and recover so much in costs and damages as the Jury will give him by their Verdict; and the Defendant shall upon the Indictment be fined to the King, and the Action of Trespasse will lie as well before as after the Indictment. But if the Plainrife in such Action makes the first assault, then the Defendant shall go quit, and the Plainrife shall be amerced to the King for his false Suit. And it is to be observed, that the Record of the Conviction of the party by Indictment may serve for Evidence in the Action of Trespasse brought upon the same Assault a Battery.

But notwithstanding that the party shall have a twofold punishment for such offence, that is, shall be punished to the King and to the party; yet some there are who in respect of their natural, & others who in respect of their civil power and authority over others, in a reasonable and moderate manner may chastise, correct, and beat them; as the Parent their Child, the Master his Servant or Apprentice, the Gaolour or his servant the unruly Prisoners, the Officer him that is arrested, and will not otherwise obey. Also a man may justifie the beating another in defence of his own person, or of the person of his wife, father, mother, or master. And a man may justifie the beating of

another

another in defence of his goods, and in maintenance of Justice. But it is to be noted, That in these cases, if a man be not urged and constrained by a necessary cause, he cannot justify the deed.

ū auf ē defence d̄ ses biens & en maintenance de Justice. Mes est destre note, Que en ceux cases, si home ne soit urge & contraine per un necessary cause, il ne poit justifie le fait.

Bedell.

Bedell is deribed from the French word Bedeau, which signifies a Messenger or an Apparitor of a Court, that cites men to the Court to appear and answer. And Manw. c. 23. f. 221. 1. says, that a Bedell of a Forest is an Officer that goes through all the Forest, like a Sheriff's special Bailif.

Bedell.

Bedell est derive del Frācois parol Bedeau, q̄ signifie le Messenger dun Court, ou un q̄ cite homes a ceo pur apparee & responder. Et Marwood, c. 23. fo. 221. d. dit, que un Bedell del Forest est un Officer que ala p̄ tout le Forest, semble al special Bailife le Viscount.

Benefice.

Benefice (Beneficium) is generally taken for any Ecclesiastical Living, be it Dignity or other; as An. 13 R. 2. Stat. 2. c. 2. where Benefices are divided into elective, and of gift.

Benefice.

Benefice (Beneficium) est generalm̄t prins p̄ alcun Living Ecclesiastiq̄, soit Dignitie ou auf: come An. 13 R. 2. Stat. 2. c. 2. ou Benefices sont divise en elective, & de don.

Besaile.

Besaile is a Writ that lies for the Heir; where his Great-grandfather was seised the day that he died: or died seised of land in Fee-simple, and a Stranger enters the day of the death of the Great-grandfather, or abates after his death, the Heir shall have this Writ against such a Disseisor, or Abator: of which see Fitzh. N. B. 221. d.

Besaile.

Besaile est un Brief que gist pur le Heire; lou sō Besaile fuit seisie jour que il morust, ou morust seisie de terre en Fee-simple, & un Estranger enter jour del mort le Besaile, ou abate apres son mort, le Heire avera cest Brief vers tiel Disseisor ou Abator; & veies de ceo Fitz. N. B. 221. d.

Bew-pleader.

B*ewpleader* est un Brief sur le Statute de *Marlebridge*, & gist ou le Viscount ou autre Bailife en s^o Court voile prendre ū Fine del parry Plaintiff ou Defendant, p^o ceo que il ne pleadera bellement, &c. Et le Brief serra direct al Viscount mesme, ou al Bailif, ou cestuy qⁱ voile demand cest Fine; & est come un prohibitioⁿ a luy, cōmandant luy que il ne demandera tiel Fine, & puit estre sue per tout le Hundred, ou per tout le Countie, come semble, lou il voile demand tiel manier Fine de eux. *Fitz. N. B. 270. a.*

Bigamie.

B*igamie* fuit un Counterplea object quant le prisoner demand le benefit del Clergie, cestascavoir, son Livre, come noismement, que il que demand le privilege del Clergie fuit marrie a tiel feme en tiel lieu, deins tiel Diocesse, & que el est mort, & qⁱ il ad apres marrie un autre feme deins mesme le Diocesse, ou deins ascū autre Diocesse, & issint *Bigamus*. Ou sil nad estre forsque un tēps marrie, donqs adire, que el que il espouse est, ou fuit un Viefe, cest adire, la Relict dun tiel, &c. Le quel chose serra trie p^o l' Eveque de le

Bewpleader.

B*ewpleader* is a Writ upon the Statute of *Marlebridge*, and lies where the Sheriff or other Bailif in his Court will take a Fine of the party Plaintiff or Defendant, to the end that he shall not plead fairly, &c. And the Writ shall be directed to the Sheriff himself, or to the Bailif, or him that will demand this Fine; & it is as a prohibition to him, commanding him that he shall not demand such a Fine, and may be sued by all the Hundred, or by all the County, (as it seems) where he will demand such manner of Fine of them. *Fitz. N. B. 270. a.*

Bigamie.

B*igamie* was a Counterplea objected when the prisoner demanded the benefit of the Clergie, to wit, his Book, as namely, that he who demands the privilege of the Clergie was married to such a woman at such a place, within such a Diocesse, and that she is dead, and that he hath married another woman within the same Diocess, or within some other Diocess, and so is *Bigamus*. Or if he have been but once married, then to say, that she whom he hath married is, or was a Widow, that is, the Relict of such a one, &c. which shall be tried by the Bishop of the Diocesse

Diocesse where the **M**arriages are alledged. And being so certified by the **B**ishop, the prisoner shall lose the benefit of the **C**lergy. But at this day, by force of the Act made 1 E. 6. c. 12. this is no Plea, but he may have his **C**lergy notwithstanding. So is **Brook**, titulo Clergie, placito 20. to the same purpose.

Bilaws.

Bilaws are **O**rders made in **C**ourt=Leets or Court=Barons by a common consent for the good of them that are the makers of them. And they are called Bilaws, quasi Birlaws, or Bawrlaws, of the Dutch word Bawr, that is, a Country-man; and so Bawrlaws or Bilaws is as much as the Laws of Country-men.

Bilinguis.

Bilinguis in general is a man with a double tongue; but is commonly used for that **J**ury which passes between an **E**nglishman and an **A**lien, whercof part ought to be **E**nglishmen, and part **S**trangers. And for this cause it is enacted by the Statute of 28 E. 3. cap. 13. That if any variance chance to be about the packing of **W**oolle before the **M**aior of the **S**taple, between the **M**erchants or **M**inisters of the same, thereupon, to try the truth thereof, **E**nquest

Diocesse ou le **E**spousels sont alledge. Et estant issint certifié p l'Evesque, le prisoner pdera le benefit del **C**lergie. Mes al cest jour, p force d le Act fait 1 E. 6. c. 12. cest nul Plea, mes que il puit aver son **C**lergie ceo nient obstant. Issint est **Brook**, titulo Clergie, placito 20. al mesme purpose.

Bilawes.

Bilawes sō: **O**rders faits ē **C**ourt=Leets ou Court=Barons per le comon consent p le bien d'eux q sont les seafors d'eux. Et sont appels *Bilawes*, quasi *Birlawes*, ou *Bawrlawes*, de parol Germanois *Bawr*, id est, *Rusticus*; issint q *Bawrlawes* ou *Bilawes* est tant adire cōc *Leges Rusticorum*.

Bilinguis.

Bilinguis en general est un **H**ōe ove ū double lāgue; uncore il est comunement use p cest **J**urie que passōnt penter un hōme d'*Angleterre* & un **A**lien, d q part covient estre homes d'*Angleterre*, & part **E**strangers. Et p ceo est enact p le Statute d 28 E. 3. c. 13. Que si asc debate happa destē sur le packing de **L**ane devant le **M**aior del **S**taple, en les **M**erchants ou **M**inisters del mesme, sur ceo, de prover la veritie de ceo, **E**nquest
ferra

serra prise : & si lun party & laut soit Denizen, il serra trie p Denizens ; ou si lun partie soit Denizen, & laut Alien, le moietie de l'Enquest ou del proof serra Denizens, & lautre moietie d' Aliens.

shall be taken ; and if the one party and the other be Denizens, it shall be tried by Denizens ; or if the one party be Denizen and the other Alien, the half of the Enquest or of the proof shall be Denizens and the other half Aliens.

Bill.

Bill est la mesme chose ove un Obligation, forsq quant il est en Anglois, il est comunement appel un *Bill*, en Latin, un *Obligation*. Auxy un Declaration en escript, q expresse ou le grievance & injurie q le Plaintiff ad suffre per le partie d q le Plain est fait, ou asc' fault p luy comise contre asc' Ley ou Statute d le Royaulme. Per un *Bill* nous maintenant entendons un single Bond sans Condition ; p un Obligation, un Bond ove un Penalty & Condition. *West parte 2. Symbol. tit. Supplications, sect. 52.*

Billa vera.

Billa vera est l'Endorsement del grand Inquest sur asc' Presentment ou Indictment q ils trouvent estre probablement voyer.

Blackmaile.

Blackmaile est u parol use e le Stat. 43 Eliz. c. 13. & signifie u certain rate des De-

Bill.

Bill is all one with an Obligation, saving that when it is in English, it is commonly called a Bill, in Latine, an Obligation. Also a Declaration in writing, that expelles either the grievance and wrong which the Complainant has suffered by the party complained of, or else some fault by him committed against some Law or Statute of the Realm. By a Bill we now ordinarily understand a single Bond without a Condition ; by an Obligation, a Bond with a Penalty and Condition. *West part. 2. Symbol. tit. Supplications, sect. 52.*

Billa vera.

Billa vera is the Indorsement of the grand Inquest upon any Presentment or Indictment which they find to be probably true.

Blackmail.

Blackmail is a word used in the Statute of 43 Eliz. c. 13. and signifies a certainty of Money,

ney, Corn, Cattel, or other consideration, given by the poor people in the North of England, to men of great name and alliance in those parts, to be by them protected from such as usually rob and steal there.

Black rod.

Black rod is the Huissier belonging to the most noble Order of the Garter; so called of the Black rod he carries in his hand. He is also Huissier of the Lords House in Parliament.

Bloodwit.

Bloodwit is, to be quit of Amerciaments for Bloodshedding; and what Pleas are holden in your Court, you shall have the Amerciaments thereof coming; because (Wit) in English, is Misericordia in Latine.

Bloody hand.

Bloody hand is the Apprehension of a Trespasser in the forest against Venison, with his hands or other part bloody, though he be not found chasing or hunting. Of which see Manwood, part 2. c. 18.

Bockland.

Bockland in the Saxons time was that we at this day call freehold land, or land held by Charter; and it was

niers, Bles, Cattel, ou autre consideration, doné p les povers homes en les North parts d'Angleterre, as homes d' grand nom & alliance e ceux ptes, destre p eux pfects del eux q' usualment robbe & embler la.

Black rod.

Black rod est le Huissier appartenant a tres noble Order d' Jartier; issint appelé la Black rod q' il port e son main. Il est aux Huissier d' la Meason des Peers e Parliament.

Bloodwit.

Bloodwit est, quitum esse d' Amerciamentis de sanguine fuso; et que teneantur Placita in Curia vestra, habeatis Amerciamenta inde provenientia; quia (Wit) e Anglois, est Misericordia en Latine.

Bloody hand.

Bloody hand est l' Apprehension d' un Trespasser e le Forest vers Venison, ove ses Mains ou a l' part d' luy embrues e sang, comé q' il ne soit trove chasing ou hunting. De q' veies Manw. part 2. c. 18.

Bockland.

Bockland en temps del Saxons fuit ceo fre q' nous a c' jour appellom' Fraktenem, ou fre tenus p Charé; & fuit per

per ceo nosm̄ distinguish del
Folkland, q̄ fuit fre tenus p
Copy.

by that name distinguished from
Folkland, which was Copyhold
land.

Bordlands.

Bordlands signifie le De-
mesnes q̄ Seigniors ten-
nent ē leur maines demesne,
p̄ le maintenance d̄ leur *Bords*
ou *Tables*. *Bracton l. 4. Tract.*
3. c. 9. num. 5.

Bordlands.

Bordlands signifie the De-
mesnes which Lords keep in
their own hands. for the main-
tenance of their Bord or Ta-
ble. *Bracton l. 4. Tract. 3. c. 9.*
num. 5.

Borow.

Borow (q̄ ovesq̄ nous sig-
nifie ū ancient Ville, cōe
appiert p̄ *Littleton, sect. 164.*)
est ū pol derive ou del Fran-
cois *Burg*, id est, *Pagus*, ou del
Saxon pol *Borhoe*, id est, *Pig-
nus*, p̄ ceo q̄ en ancient tēps
vicines dun Ville deveignont
Pledges lun p̄ lauf : & d̄ ceo
venust *Headborow*, p̄ le chief
Pledge ou *Borhoe-Aldere*, q̄
nous appellomus le Borow-
holder ou le Burtholder.

Borow.

Borow (which with us signi-
fies an ancient Town, as
appears by *Littleton, sect. 164.*)
is a word deribed either of the
French *Burg*; id est, *Pagus*, or of
the Saxon *Borhoe*, id est, *Pignus*,
for that anciently the neigh-
bours of a Town became Pled-
ges one for another : and from
thence comes *Headborow*, for the
chief Pledge or *Borhoe-Aldere*,
with us now called the *Borow-*
holder or *Burtholder*.

Borow English.

Borow English est ū custo-
mary Discent del Terres
ou Tenements en quelques
lieus, p̄ la quel ils vient a le
pluis june fits, ou, si le pprie-
teur ad nul issue, a le pluis
june frere; cōe en *Edmuntōn*.
Kitchin fol. 102.

Borow English.

Borow English is a customary
Discent of Lands or Tene-
ments in some places, where-
by they come to the youngest
son, or, if the owner have
no issue, to his youngest bro-
ther; as in *Edmuntōn*. *Kitchin*
fol. 102.

Borrowhead.

Borrowhead, ~~Dr~~ Headborow.

Bote.

Bote is an old word signifyng Help. Succor, Aid, or Advantage; and is commonly joynd with another word, whose signification it doth augment; as these, Bridgebote, Burgbote, Firebote, Hedgebote, Plowbote, and divers other, for whose significations look in their proper Titles.

Bribor.

Bribor (fr. Bribeur, i. Mendicus) seems to signifie one that pilfers other mens goods. Anno 28 E.2. Stat. 1.

Brief.

Brief (Breve) signifies most properly in our Law, the Proces that issues out of the Chancery or other Court, commanding the Sheriff to summon or attach A to answer to the Suit of B, &c. But more largely it is taken for any Precept of the King in writing under Seal, issuing out of any Court, whereby he commands any thing to be done for the furtherance of Justice and good order. And they are therefore called Briefs, because they briefly

Borrowhead.

Borrowhead, Veies Headborow.

Bote.

Bote est un veil parol, & signifie Help, Succor, Aide, ou Advantage; & est communément joyne ove un autre parol, q̄ significatiō il augmēt; cōe ceux, Bridgebote, Burgbote, Firebote, Hedgebote, Plowbote, & divers tiels semblables, p̄ queux significations veies en leur pp Titles.

Bribor.

Bribor (Fr. Bribeur, i. Mendicus) semble à signifier luy q̄ pilfre les biens des autres hoēs. Anno 28 E.2. Stat. 1.

Brief.

Brief (Breve) signifie plus p̄p̄ment en nostre Ley, le Processe q̄ issuit hors del Chancery ou autre Court, commandant le Visc' d̄ summoner ou attacher A p̄ responder al Suit B, &c. Mes plus largement est prise p̄ aucun Precept del Roy en escript south Seal, issuant hors dasc' Court, p̄ q̄ il command asc' chose destre fait p̄ le furtherance del Justice & bone order. Et is sont appels Briefs (Brevia) p̄ ceo q̄ ils briefement com-

comphend le cause del Actiō,
& rem brevis enūtrāc. Et asc'
d'eux sont Originals. & asc'
Judicials, cōme poies veier
alarge ē le Register des Bfēs.

comprehend the cause of the Peti-
on. And some of them are Ori-
ginal, and some Judicial, as you
may see at large in the Register
of Writs.

Broadhalpeny.

Broadhalpeny, en asc' Co-
pies Broadhalpeny, hoc
est, quicquid esse & quadā Con-
suetudine exacti p Tabulis
levie ou Boords ē Fairs ou
Markets; & ceux q estēont
enfranchised p le Chart le
Roy & cest Custom ont cest
pōl mise ē leur Letrēs Patērs:
p reason d' quel, a cest jour le
Enfranchisement mesme (p le
brevity d' elocution) est appel
Broadhalpeny.

Broadhalpeny.

Broadhalpeny, in some Copies
Broadhalpeny, that is, to be
quit of a certain Custom exact-
ed for setting up of Tables of
Boards in fairs or Mar-
kets; and those that were freed
by the King's Charter of this
Custom had this word put in
their Letters Patents: by rea-
son whereof, at this day the
freedom it self (for brevity
of speech) is called Broadhal-
peny.

Broker.

Broker semble de venir
del parol Francois Broi-
eur, id est, Tritor, cestuy q
grinde ou rumper ū chose en
petite parçels. Et le voyer of-
fice d'un Broker, cōme appiert
p^r Stat. fait r Jac. c. 21. est
de bat, contriver, faire & cō-
cluder bargains ent Mer-
chants & Tradesmen. Mes le
pōl est ore auxy appropriate
as eux q achare & vende
vieux & brokē appel & hous-
hold-stuffe.

Broker.

Broker seems to come of the
French word Broieur, id est,
Tritor, he that grinds or breaks a
thing into small pieces. And
the true trade of a Broker, as it
appears in the Statute made
r Jac. c. 21. is to beat, contrive,
make, and conclude bargains
between Merchants & Trade-
men. But the word is now
also appropriated to those that
buy and sell old and broken
apparel and household-
stuffe.

Brugbote.

Brugbote (& en ascuns co-
pies Bridgebote) est quietū

Brugbote.

Brugbote (and in some copies
Bridgebote) is, to be quit
of

of giving aid to the repaire
of Bridges.

esse de auxilio dando ad reficiendum Pontes.

Bull.

Bull is an Instrument so called, granted by the Bishop of Rome, and sealed with a Seal of Lead, containing in it his Decrees, Commandments, or other Acts, according to the nature of the thing for which it is granted. And these Instruments have been heretofore used and of force in this Land: but by the Statute of 28 H. 8. c. 16. it was enacted, That all Bulls, Breves, faculties, and Dispensations, of whatsoever name or nature that it was, had or obtained from the B. of Rome, should be altogether void and of no effect. *See Rastal, 328. C. D.*

Bullion.

Bullion comes from the French word Billon, which is the place where Gold is tried. And so Bullion is taken in the Statutes made in 27 E. 3. St. 2. c. 14. and in 4 H. 4. St. 1. c. 10. for the place whither Gold or Silver is brought to be tried or exchanged. But Bullion is also taken in the Stat. 9 E. 3. Stat. 2. c. 2. for Gold or Silver in the Masse or Biller.

Burbreach.

Burbreach is, to be quit
of Trespasses done in

Bull.

Bull est un Instrumēt issint Bappel, grāt p l' Evesq de Rome, & enscale ove un Seale d' plūbe, conteint en c' les Decrees, Cōmandemēts, ou aut Aēs, accordant al nature del chose p q il est grant. Et ceux Instruments ont est cy devant use & de force en cest Terre: mes per l' Statute d' 28 H. 8. c. 16. fuit enact, Que tous Bulls, Breves, Faculties, & Dispensations, de quelque nōsmē ou nature que il fuit, ad ou obtaine del Evesq de Rome, serront tout ousterint void & de nul effect. *Vide Rastal, 328. C. D.*

Bullion.

Bullion venust del parol Francois Billon, q est le lieu lou Or est trie. Et issint Bullion est prise en les Statutes faits en 27 E. 3. St. 2. c. 14. & en 4 H. 4. St. 1. c. 10. p le lieu a que Or ou Argent est port destř trie ou exchange. Mes Bullion est auxy prise en le Statute 9 E. 3. Stat. 2. c. 2. p Or ou Argent en le Masse ou Biller.

Burbreach.

Burbreach est, quiet' esse de
Transgressionibus factis in
Ci-

Civitate vel Burgo contra pacem.

City or Borough against the Peace.

Burgage.

Burgage.

TEn en *Burgage* est, a reñ sicōe les Burgers reigñt d' Roy, ou d' aut Seignr, Terres ou Tenemts, rendāt a luy un certain Rent p an ; ou auñt lou un aut hōe q Burgers tient dasc' Seignr Terres ou Tenemts en *Burgage*, rēdāt a luy un certain Rent.

Thold in *Burgage* is, to hold as the Burgers hold of the King, or of another Lord, Lands or Tenements, yielding him a certain Rent yearly ; or else where another man then Burgers holds of any Lord Lands or Tenements in *Burgage*, yielding him a certain Rent.

Burghbote.

Burghbote.

Burghbote est, quietum esse de auxilio dando ad faciendum Burghum, Castrum, Civitatem, vel Muros prostrat'.

Burghbote is, to be quit of giving aid to make a Burrough, Castle, City, or Walls thrown down.

Burgh English.

Burgh English.

Burgh English, ou Borough English, est un Custom en un ancient Borough, que si un home ad issue divers firs, & morust, uncore le puisne firs solement inherit, & avera tous les Terres & Tenements q fueront de son pere, de que il morust seisie deins m le Burgh, p discent, come Heire a son pere, per force del Custō de mesme le Burgh.

Burgh English, or Borough English, is a Custome in some ancient Borough, that if a man hath issue divers sons, and dies, yet the youngest son onely shall inherit, and have all the Lands and Tenements that were his father's, whercof he died seised within the same Borough, by discent, as Heir to his father, by force of the Custome of the same Borough.

Burglarie.

Burglarie.

Burglarie est, quant un debruse & ēter en le maison d'un autre en le nuit, ove felonious intent de robber ou

Burglary is, when one breaks Band enters into the house of another in the night, with felonious intent to rob or

kill; or to doe some other Felony; in which cases, although he carry away nothing, yet it is felony, for which he shall suffer death. Otherwise it is if it be in the day-time, or that he break the house in the night, and enter not therein at that time.

But if a Servant conspire with other men to rob his Master, and to that intent opens his Masters doores and windows in the night for them, and they come into the house by that way; this is Burglary in the Strangers, and the Servant is a Chief, but no Burglar. And this was the opinion of Sir Roger Manwood, Knight, Lord chief Baron of the Exchequer, at the quarter Sessions holden at Canterbury in January 1579. 21 Eliz.

occider, ou de faire auter Felonie; en queux cases, nient obstant il import riens, uncore il est Felonie, p que il ferra pendue. Aufment est sil soit en le jour, ou que il debruse le measo e le nuit, & ne entra pas en ceo a cest temps.

Mes si un Servant conspire ove auters de robber son Master, & a cel entent il over les dores & fenestres de son Master en le nuit p eux, & ils vient en le measo p cest voy, cest Burglarie en les estrangers, & le Servant est un Laron, mes nemy un Burgler. Et ceo fuit l' opinion de Sir Roger Manwood, Chevalier, Seignieur chief Baron de le Eschequer, a la quarter Sessions tenus en Canterbury en January 1579. 21 Eliz.

C

Cablith.

Cablith, among the Writers of the Forest Laws, signifies Brushwood. Manwood p. 84. Cromp. Jur. f. 165.

Cantered.

Cantered is as much in Wales as an Hundred in England; Cantere in the British tongue signifies Centum. The word is An. 28 H. 8. c. 3.

C

Cablith.

Cablith, entre le Escrivers de les Forest Leys, signifie Brushwood. Man. p. 84. Crom. Ju. f. 165.

Cantered.

Cantered est cybien en Gaul come un Hundred en Angleterre; car Cantere e le British langue signifie Centum. Le pol est use An. 28 H. 8. c. 3.

H

Eaa

Capacitie.

Capacitie est, quant hōe, ou Corps politiq̄ ou corporate, est capable a don ou p̄nder Terr's ou aut̄ choses, ou a fuer Actions : Sicom un Alien n̄ee ad sufficiēt Capacitie a fuer ē asc' persōal Actiō; mes ē real Actiō est bō Plee adit̄, q̄ il est Aliē n̄ee, & p̄ier fil. terra respōdu. *Dy. f. 3. pl. 8.*

Si home enfeofee un Alien & un autre home al use de luy, ou &c. semble q̄ le Roy avera l' moiety del fr̄e a tous jours, per reason del Incapacitie del Alien. *Dyer fo. 283. pla. 31.*

Per le Common Ley nul home ad Capacitie d̄ prendre Dismes fors q̄ Spiritual p̄sōs, & le Roy, *qui est persona mixta* : mes Lay home, q̄ n̄est capable d̄ Dismes ē p̄nacie, suit uncore capable d̄ discharge d̄ Dismes al Common Ley ē son fr̄e de mesme cybien cōc Spiritual hōe. *Vi. Coke l. 2. f. 44.*

Cape.

Cape est un B̄fe judicial touchāt Plee d̄ Terr's ou Tenements, issint appel (sicome les plusors d̄ B̄iefs font) de cest pol q̄ ē luy mesm̄ port le plus especial ententiō & fine, d̄ ceo. Et cest B̄fe est divide ē Grād Cape & Petit Cape; l'un ambideux prendōr des choses inmoveables, & semble a disa-

Capacitie.

Capacitie is, when a man, or Body politick or corporate, is able to give or take Lands or other things, or to sue Actions : As an Alien born hath sufficient Capacity to sue in any personal Action ; but in a real Action it is a good Plea to say, he is an Alien born, and pray if he shall be answered. *Dyer f. 3. pla. 8.*

If a man enfeofe an Alien and another man to the use of themselves, or &c. it seems that the King shall have the moiety of the land for ever, by reason of the Incapacity of the Alien. *Dyer f. 283. pla. 31.*

By the Common Law no man hath Capacity to take Tiths but Spiritual persons, and the King, who is a person mixt : but a Lay-man, who is not capable of taking Tiths, was yet capable of discharge of Tiths in the Common Law in his own land as well as a Spiritual man. *See Cok. l. 2. f. 44.*

Cape.

Cape is a writ judicial touching Plea of Lands or Tenements, so called (as the most part of writs are) of that word which in it self carries the effectuallest intencion or end thereof. And this writ is divided into Grand Cape and Petit Cape; both which take hold of things immovable; and seem to be

fer in these points. First, because Grand Cape lies before Apparence, and Petit Cape after. Secondly, by the Grand Cape the Tenant is summoned to answer to the default, and over to the Demandant; Petit Cape summons the Tenant to answer to the default onely, and therefore is called Petit Cape in the Old N.B. 161, 162. Yet Ingham saith, that it is not called Petit Cape because it is of small force, but because it is a little writ in words.

This writ seems to contain in it a Proccesse, with the Civilians called *Missio in possessionem ex primo & secundo Decreto*: for as the first Decree seizes the thing, and the second gives it from him that made the second default in his Apparence, so this Cape seizes the land, and also assigns over to the party a day of Apparence, at which if he comes not in, the land is forfeited. Yet there is difference between these two courses of the Common and Civil Law; for this *Missio in possessionem* extends to touch as well goods movable as immovable, where a Cape extends onely to the immovable.

Secondly, in this, That the party being satisfied of his demand, the residue is restored to him that defaulted: but by the Cape all is seized without restitution.

Thirdly, That is to the use of the party agent, the Cape is to

greer ē ceux points. Primerint, p̄ ceo q̄ Grand Cape gist devant Apparence, & Petit Cape puis. Secondint, p̄ le Grand Cape le Tenānt est summon a respond̄ al default, & ouster al Demandant; Petit Cape summon le Tenānt a respond̄ al default solem̄t, & p̄ c' est appel Petit Cape en le *Vail N. B. 161, 162*. Uncore Ingham dit, q̄ il nest appel Petit Cape p̄ ceo q̄ il est d̄ petit force, mes p̄ ceo q̄ il est petit Brief en parols.

Cest Brief sēble a conteñir ē ceo ū Procces, ove les Civilians appel *Missio in possessionem ex primo & secundo Decreto*: Car sicōe le priu Decree seist l' chose, & le secōd donast ceo d̄ luy q̄ seist le second default ē son Apparence; issint cest Cape seist le t̄re, & aux assigne ouster al p̄y un jour d̄ Apparence, a quel sil ne vient eins, le t̄re est forfeit. Uncore la est difference p̄nt ceux deux courses del Common & Civil Ley; car cest *Missio in possessionem* extend a toucher cybien biens moveables come immoveables, lou un Cape extend solement al immoveables.

Secondint, en ceo, Que le party esteant satisfie de son demand, le residue est restore a luy q̄ defaulta: mes p̄ le Cape tout est seistie sans restitution.

Tiercement, Cesty est al use del p̄y agent, le Cape est al use

use le Roy. Veies *Bract. l. 5. tract. 3. c. 1. num. 4, 5, & 6. Regist. judic. fol. 2. a.*

the use of the King. See *Bract. l. 5. tract. 3. c. 1. num. 4, 5, & 6. Regist. judic. fol. 2. a.*

Cape ad Valentiam.

Cape ad Valentiam est un B're d' Execution, & est issint define en le *Veile Nat. Brev. fol. 161, 162.* Cest B're gist ou le Tenar est impleade de certain terres, & il vouche a Gafrantie un auter, vers que les Summons *Ad warrantizandum* ad este agarde, & le Vouchee ne vient eins al jour done: donques si le Demandant recouer vers le Tenant, il avera cest Brief envers le Vouchee, & recouera tant en value de terre del Vouchee, sil tant ad; & sil nad tant, donque le Tenant avera Execution per cest Brief de tiels terres & tenements que descend a luy en Fee-simple; ou sil purchase apres, le Tenant avera vers luy un Resummons, & sil riens poit dire, il recouera le value.

Et saches, Que cest B're gist devant Apparance. De ceux & leur divers uses, veies le Table del *Reg. jud.* le parol *Cape.*

Capias.

Capias est del deux sorts. **C**L'un devant Judgment, appel *Capias ad respondendum*, &

Cape ad Valentiam.

Cape ad Valentiam is a Writ of Execution, and is thus defined in the *Old Nat. Brev. f. 161, 162.* This Writ lies where the Tenant is impleaded of certain lands, and he vouches to Warrant another, against whom the Summons *Ad warrantizandum* hath been awarded, and the Vouchee comes not in at the day given: then if the Demandant recouer against the Tenant, he shall have this Writ against the Vouchee, and shall recouer so much in value of the Vouchee's land, if he have so much; and if he hath not so much, then the Tenant shall have Execution by this Writ of such lands and tenements as descend to him in Fee-simple; or if he purchase afterwards, the Tenant shall have against him a Resummons, and if he can say nothing, he shall recouer the value.

And know, that this Writ lies before Apparance. Of these and their divers uses, see the Table of the *Reg. jud.* the word *Cape.*

Capias.

Capias is of two sorts. The one before Judgment, called *Capias ad respondendum*, in an

an Action personal, if the Sheriff return upon the first writ. *Nihil habet in Balliva nostra.* And the other is a writ of Execution after Judgment, which also is of divers natures, which see in the Title Process.

un Action psonal, si le Visce' sur le primer Brief retourne, *Nihil habet in Balliva nostra.* Et laus est u Brief d' Execution apres Judgment, q aux est d divers natures, queux veies en le Title Process.

Capite.

Capite is a Tenure that holds immediately of the King, as of his Crown, be it by Knight's service, or Socage, and not of any Honor, Castle, or Manor; and for this it is also called a Tenure which holds merely of the King. For as the Crown is a Corporation, a Seigniorie in grosse; so the King who possesses the Crown is in the eye of the Law perpetually King, never in his Minority, and dies no more then Populus doth, whose authority he bears. See Fitzh. Nat. Brev. fol. 5. Yet note, That a man may hold of the King, and yet not in Capite, that is, not immediately of the Crown in grosse, but by means of some Honor, Castle, or Manor, belonging to the Crown, whereof he holds his land. Of this Kitchen saith well, That a man may hold of the King by Knight's service, and yet not in Capite, because it may be he holds of some Honor by Knight's service, that is in the King's hands, by descent from his Ancestours, and not immediately of the King, as of his Crown, fol. 129. (With which)

Capite.

Capite est u Tenure q tient immediately del Roy, cōe d son Corone, soit ceo p service de Chivaler, ou Socage, & nient dasc' Honor, Castle, ou Manor; & p c' il est aux appel u Tenure q tient meereint del Roy. Car cōe le Corone est un Corporation, un Seignry e grosse; issint le Roy q possesse le Corōe est e l'oyel del Ley ppetualment Roy, & ne unques est en son Minority, ou morust nient plus q Populus fait, l'authority d queux il port. Veies Fitzh. Nat. Brev. fol. 5. Uncore nota, Que un hōe poit tener del Roy, & uncore nient en Capite, cest adire, nient immediately del Corone e grosse, mes p means dasc' Honor, Castle, ou Manor appurteinat al Corone, d q il tient sa fre. De ceo Kitchen bien dit, Que hōe poit ten del Roy p service d Chival', & uncore nient e Capite, p ceo q poit est q il tient dasc' Honor p service d Chival', q est e le mains del Roy, p descent d son Ancestors, & nient immediately del Roy, cōe d son Corone, fol. 129. Ove q

agree Fitzh. Nat. Brev. fol. 5. k. queux pōls sont a cest effect; Il plainement appiert, que terres queux sont tenus del Roy come d'un Honor, Castle, ou Manor, ne sont tenus ē Capite del Roy, p̄ ceo q̄ un B̄re d̄ droit ē cel case ser̄ direct al Baylif del Honor, Castle, ou Manor, &c. Mes quant les f̄res sont tenus del Roy cōe d̄ son Corone, donq̄ ils ne sont tenus de Honor, Castle, ou Manor, mes meere-
mt del Roy cōe Roy, & d̄ son Corone, cōe d'un Seign̄rie d̄ luy mesme ē grosse, & l'chief d̄ tous auts Seign̄ries.

Et cest Tenure en Capite est autrement appel Tenure tiendrant del p̄son del Roy. Dyer fol. 44. Brook tit. Tenures, num. 65, 99. Et uncore Kitchen fol. 208, dit, Que home poit tener del p̄son del Roy, & uncore nient en Capite. Son Case est tiel; Si le Roy purchase Manor q̄ J. S. tient, le Tenant tiendra come il reignoit devant, & il ne rendra Liverie, ne prim̄ Seisin, ne tiendra en Capite. Et si le Roy grant son Manor al W. N. en fee, exceptant les Services de J. S. donq̄ J. S. tient del Roy come del p̄son del Roy, & uncore ne tiēt ē Capite, mes cōe il tenoit devant. Per q̄ il semble, q̄ Tenure tiendrāt del p̄son del Roy, & Tenure ē Capite, sōt deux divers Teures. A toller q̄ difference, poit est̄ dit, Que c'lieu

agree Fitzh. Nat. Brev. fol. 5. k. whose words are to this effect; It plainly appears, that lands which are held of the King as of an Honor, Castle, or Manor, are not held in Capite of the King, because a writ of right in this case shall be directed to the Bailif of the Honor, Castle, or Manor, &c. But when the lands are held of the King as of his Crown, then they are not held of Honor, Castle, or Manor, but merely of the King as King, as of his Crown, as of a Seigniorie of it self in grosse, and the chief of all other Seigniories.

And this Tenure in Capite is otherwise called Tenure holding of the person of the King. Dyer fol. 44. Brook titulo Tenures, num. 65, 99. And yet Kitchen, fol. 208. saith, That a man may hold of the person of the King, and yet not in Capite. His Case is this; If the King purchase a Manor that J. S. holds, the Tenant shall hold as he did before, and he shall not render Liverie, nor primer Seisin, nor hold in Capite. And if the King grants his Manor to W. N. in fee, excepting the Services of J. S. then J. S. holds as of the person of the King, and yet holds not in Capite, but as he held before. By which it seems, that Tenure holding of the person of the King, and Tenure in Capite, are two divers Tenures. To take away which difference, it may be said, That this place

of Kitchen is to be taken as if he had said, Not in Capite by Knight's service, but by Socage, following the usual speech, because most commonly, where we speak of Tenure in Capite, we intend Tenure by Knight's service. See the Stat. 12 Car. 2. c. 24. by which all Tenures are now turned into free and common Socage.

de Kitchen est destř prise com sil ad dit, Nemy en Capite p service d Chivaler, mes p Socage, p suant le usual parlance, p c q plus comunement, ou nous pleroms d Tenure e Capite, nous intendom Tenure p service de Chivaler. Veies le Stat. 12 Car. 2. c. 24. p ql routs Tenures sont ore verlee e frak & comō Socage.

Carke.

Carke seems to be a quantity of Wool, whereof 30 make a Sarpler. 27 H. 6. cap. 2. See Sarpler.

Carke.

Carke semble destř un quantitie d Lane, de q troysem font un Sarpler. 27 H. 6. c. 2. Vid. Sarpler.

Carno.

Carno is an Immunity, as appears in Crompt. Jurisd. f. 191. where it is said, That the Prior of Malton made claim for him and his men, to be quit of all Amerciaments within the forest, and also to be quit of Escapes, and of all manner of Gelds, and of Foot-gelds, Buckstall, Trites, Carno, & Summage, &c.

Carno.

Carno est un Immunitie, Ceome appiert en Crompt. Jur. f. 191. ou est dit, Que le Prior de Malton fait claime p luy & ses hoims, destř quit d touts Amerciamts deins le Forest, & auxy destř frank d Scapes, & d touts maners d Gelds, & de Pcegelds, Buckstall Trites, Carno, & Summage, &c.

Carrack, or Carrick.

Carrack, ou Carrick.

Carrack, alias Carrick, is a Ship of burthen, and is so called of the Italian word Carico or Carco, which signifies a Burthen. This word is mentioned in the Statute 1 Jac. c. 33.

Carrack, alias Carrick, est un Niese de faix, & est issint appel del pol Italiano Carico vel Carco, id est Onus. Cest parol est mention en le Statute 1 Jac. c. 33.

Carue de terre.

CArue ou Carucate de terre Cest un certain quantitie de terre p que les subjects ont este cydevant taxe : sur q le Tribute issint levie est appel Caruage. *Bract. l. 2. c. 16. num. 8. Littleton Sect. 119.* dit, que Soca est mesme ove Caruca, sc. un Soke ou Carue. *Stow en sō Annals, p. 271.* ad ceux pols; Mesme le temps H. le Roy prist Caruage, cest a dire, deux Marks d'argent d'chesc' Fee dun Chivaler, al mariage de son soer Isabel al Emperor. Per que il semble que la fuit raise de chescun Carue de fre tāt, & issint p consequent de chesc' Fee de Chivaler deux Marks d'argent. *Rast. en son Exposition* de parols dits, que Caruage est destre quit, si le Roy taxera tout le Tfe p Carues, cest adire, un Priviledge p que un hōe est exempt de Caruage.

Skene dit, que c' containe cy grand portion de terre que poit estre eyred ou tilled en un an & jour ove un Carue; que auxy est appel Hilda ou Hida terre.

Castellaine.

Castellaine est un Keeper ou Caprain, asc' foits appel ū Constable d'un Castle. *Bract. l. 5. tract. 2. c. 16.* En mesm le man il est use *an. 3. E. 1. c. 7.*

Carue of land.

CArue or Carucate of land is a certain quantity of land by which the subjects have been heretofore taxed : whereupon the Tribute so levied is called Caruage. *Bract. l. 2. c. 16. num. 8. Lit. Sect. 119.* saith, that Soca is the same with Caruca, sc. a Soke or Plow. *Stow in his Annals, pag. 271.* hath these words; The same time H. the King took Caruage, that is to say, two Marks of Silver for every Knight's Fee, to the marriage of his sister Isabel to the Emperor. By which it seems there was raised of every Plow-land so much, and so consequently of every Knight's Fee two Marks of Silver. *Rastal, in his Exposition of words,* saith, that Caruage is to be quit, if the King shall tax all the Land by Plows, that is, a Priviledge by which a man is freed from Caruage.

Skene saith, that it contains as great a portion of land as may be eyred and tilled in a year and a day with one Plow; which also is called a Hild, or Hide of land.

Castellain.

Castellain is a Keeper or Captain, sometimes called a Constable of a Castle. *Bracton, l. 5. tract. 2. cap. 16.* In the same manner it is used *an. 3. E. 1. c. 7.*

In the books de Feudis you shall find Guastaldus to be of like signification, but more large, because it is also extended to those that have the custody of the King's Mansion-houses, called Courts, notwithstanding they are not places of defence or force. Manwood part 1. of the Laws of the Forest, p. 113. saith, That there is an Officer of the Forest called Castellanus.

En les livres de Feudis vous troveres Guastaldus destre de tiel signification, mes plus large, p' c' que il est aux extend a ceux q' ont le custodie d' les Mansion-maisons del Roy, appel Courts, nient obstāt q' ils ne sōt lieux d' defence ou force. Manw. part. 1. del Leys del Forest, p. 113. dit, que la est ū Officer del For' appel Castellanus.

Castle-gard,

Castle-gard.

Castle-gard is an Imposition laid upon such of the King's subjects as dwell within a certain compasse of any Castle, to the maintenance of such as watch and ward it. Mag. Char. cap. 2. & an. 32 H. 8. c. 48. It is sometimes used for the Circuit it self which is inhabited by such as are subject to this Service. See Chivalry.

Castle-gard est un Imposition impose sur tiels subjects del Roy queux inhabitent deins un certain compasse d' Castle, al maintenance de tiels qu'x vigilōt & gardōt l' Castle. Mag. Char. c. 2. & an. 32 H. 8. c. 48. Il est als' foits use p' le Circuit m' q' est inhabite p' tiels qu'x sōt subject a cest Service. Veies Chivalry.

Casu consimili.

Casu consimili.

Casu consimili is a Writ of Entry, granted where the Tenant by courtesie, or Tenant for term of life, or for the life of another, aliens in fee, or in tail, or for the life of another. And it hath this name, because the Clerks of the Chancery have framed it by their common consent like the Writ called In casu p'viso, according to the authority given them by the Stat. of Westm. 2. cap. 24. which wills, That as often as it shall happen in

Casu consimili est un Brief de Entry, grantus ou le Tenāt p' courtesie, ou Tenāt p' term de vie, ou p' aut' vie, aliē en fee, ou en taile, ou per terme dau' vie. Et il ad cest nomme, p' ce que les Clerks del Chacery ont c' fraim p' leur common consēt ensemble al Brief appel In casu p'viso, accordant al auctority done al eux p' le Statute de Westminster 2. cap. 24. que voit, Quotiescunque contenerit in
Cas.

Cancellaria, quod in uno casu reperitur Breve, & in consimili casu indigēte remedio, cōcordet Clerici de Cancellaria de Brevis faciēdo, &c. Et cest Brief est grant a cestuy ē reversion, vers le parry a q'le dit Tenār issint alien a sō prejudice, & en le vie del dit Tenār. Veies plus ce ceo, F. N. B. f. 206.

Chancerie, that in one case a Writ is found, and in the like case a remedie is wanting, the Clerks of the Chancerie should agree to make a Writ, &c. And this Writ is granted to him in reversion, against the party to whom the said Tenant so aliened to his prejudice, and in the life of the Tenant. See more of this, F. N. B. fol. 206.

Casu proviso.

Casu proviso est don p le Stat. de Gloucest', c. 7. Cest Brief gist lou Tenant en Dower alien en fee, ou a terme de vie, ou en taile, la terf q' el tient en Dower; ore cestuy q' ad le Reversion en fee, ou en taile, ou a term d' vie, maintenant avera cest Bfe vers le Alience, ou cestuy q' est Tenār del franktenement del terre, & c' durant la vie le Tenār ē Dower. F. N. B. fol. 205. n.

Casu proviso.

Casu proviso is given by the Stat. of Gloucest', c. 7. This Writ lies where Tenant in Dower aliens in fee, or for life, or in tail, the land which he holds in Dower; there he that hath the Reversion in fee, or in tail, or for term of life, shall presently have this Writ against the Alience, or him that is Tenant of the freehold of the land, and that during the life of the Tenant in Dower. F. N. B. 205. n.

Catals.

Catals ou Chatels comprehend tous Biēs movable & immovable, forsq' tiels que sont en nature de Franktenement, ou pcel de c', cōm poit estre collect hors Stamf. Prærog. ca. 16. & an. 1 Eliz. ca. 2. Uncof Kitch. fo. 32. dit, que Mony nest destr account Biēs ou Catals, ne Espervers, ne Chiens, car ils sōt fera natura. Mes il semble q' Mony nest

Catals.

Catals or Chatels comprehend all Goods movable and immovable, except such as are in nature of freehold, or parcell of it, as may be collected out of Stamf. Præ. cap. 16. and anno 1 Eliz. cap. 2. Pet Kitch. fol. 32. saith, that Mony is not to be accounted Goods or Catals, nor Hawks, nor Hounds, for they are fera natura. But it seems that Mony is not a Chatel.

a Chatel, because it is not in it self valuable, but rather in imagination then in deed.

Catals are either real or personal. Catals real are either such as do not immediately appertain to the person, but to some other thing by way of dependance; as a Box with writings of land, the body of a Ward, the Apples upon the tree, or the Tree it self growing upon the ground. *Crom. fo. 33. b.* Or else such as are issuing out of some thing immovable to the person, as a Lease for Rent or term of years.

Personal may be so called in two respects. The one, because they belong immediately to the person of a man; as a Horse, &c. The other, because when they are wrongfully detained, we have no other means for their recovery but personal Actions.

The Civilians comprehend these things, and also Lands of all natures and tenures, under the word Goods, which are by them divided into Movable and Immovable. *See Bract. li. 3. c. 3. num. 3, & 4.*

Cepi corpus.

Cepi corpus is a Return made by the Sheriff, that, upon an Evigend or other writ, he has taken the body of the partie. *Fitzh. Nat. br. fo. 26.*

Catal, pur c' q' nest d' luy mesme chose valuable, mes plus en imagination q' e fait.

Catals sont ou real ou personal. Catals real sont ou tiels que ne appertinent immédiatement al person, mes al asc' aut chose p voy de dependancy; come un Boxe ove Chartes de terre, le corps dun Gard, les Poins sur l' arb'r, ou l' Arbre mesme cresant sur le terre. *Crom. f. 33. b.* Ou autermt tiels q' sont issuant hors dasc' chose immoveable al person, cōe ū Lease p Rent ou terme d' ans.

Personal poient est'r issint appel en deux respects. Le un, p' c' q' ils appent immédiatement al p'son d' ū hōe; cōe ū Chival, &c. laut'r, p' c' que quant ils sōt tortiousment deteigne, nous ne avom' pas asc' aut' means p' leur recoverie forsque p' p'sonal Actions.

Les Civilians comprehendont ceux choses, & aut' T's de tous natures ou tenures, desouth le parol *Bona*, que est p' eux divide in *Mobilis* & *Immobilia*. *Vid. Br. lib. 3. c. 3. num. 3, & 4.*

Cepi corpus.

Cepi corpus est un Returne fait p' le Viscount, q', sur un Evigend ou auter Brief, il a prins le corps del partie. *Fitz. Nat. br. fo. 26.*

Certificate.

Certificate.

Certificate est un Escript fait en aucun Court, a doner notice al auſ. Court dasc' chose fait la; come un Certificate del cause d' Attaint est ſi trāsſcript brieſement fait p les Clerks del Corone, Clerk del Peace, ou Clerk de Aſſiſe, al Court del Bank le Roy, contenant le tenor & effect de cheſc' Indictmēt, Utlagarie, ou Cōviction, & Clerk attaint, fait ou declare en aſc' auſ Court.

Mes nota, que ceſt Certificate doit eſtre fait p ceſtuy que eſt l' immediate Officer al Court; & pur c' ſi le Commiſſarie ou Official del Eveſque, certiſie un Excomēgement en barē de un Action al Common Ley, ceo neſt bon, (come fuit reſolve en *Coke*, li. 8. fo. 68.) mes tiel Excomēgement doit eſtre certiſie p l' Eveſque meſme. Uncore le Certificate dū Excomēgement p ſpecial Commiſſionis Delegates deſouth lour common Seal fuit allow, & tenus aſſets bon ē le Common Banke. *Dyer*, fol. 371. pla. 4.

Certification de Aſſiſe.

Certification d'un Aſſiſe d' Novel diſſeiſin, &c. eſt ſi Briefagard a re-examiſi ou reviſer ſi chose paſſe p Aſſiſe

Certificate.

Certificate is a Writing made in ſome Court, to give notice to another Court of ſomething done there; as a Certificate of the cause of Attaint is a tranſcript brieſly made by the Clerks of the Crown, Clerks of the Peace, or Clerks of Aſſiſe, to the Court of King's Bench, containing the tenor and effect of every Indictment, Outlawry, or Conviction, and Clerk attainted, made or declared in any other Court.

But note, that this Certificate ought to be made by him that is the immediate Officer to the Court; and therefore if the Commiſſary or Official of the Biſhop certiſie an Excommunication in bar of an Action at the Common Law, this is not good, (as was reſolved in *Coke*, lib. 8. fol. 68.) but ſuch Excommunication ought to be certiſied by the Biſhop himſelf. Yet the Certificate of an Excommunication by ſpecial Commiſſioners Delegates under their common Seal was allowed, and held good enough in the Common-place. *Dyer*, fol. 371. pla. 4.

Certification of Aſſiſe.

Certification of Aſſiſe of Novel diſſeiſin, &c. is a Writ awarded to re-examine or review a matter paſſed by Aſſiſe before

before any Justices; and is used when a man appears by his Bailif to an Assise brought by another, and loses the day, and having some other matter to plead farther for himself, as a Dred of release, or &c. which the Bailif did not plead, or might not plead for him, desires a better Examination of the Cause, either before the same or other Justices, and obtains Letters Patents, (see their form F. N. B. 181.) and then brings a Writ to the Sherif to call the party for whom the Assise had passed, and also the Jurie which was impannelled upon the same Assise, before the said Justices, at a day and place certain.

And it is called a Certificate, because therein mention is made to the Sherif, that upon the parties complaint of the defective Examination, or doubts remaining yet upon the Assise passed, the King hath directed his Letters Patents to the Justices, for the better certifying of themselves, whether all the points of the said Assise were duly examined or not.

Certiorari.

Certiorari is a writ that lies where a man is impleaded in a base Court, that is of Record, and he supposes that he may not have equal Justice there; then upon a Bill in the Chancery, comprising some

devant asc^e Justices; & est use quant home appiert p son Bailife a un Assise port p un aut, & pde. le jour, & ayāt asc^e aut chose ouster a plead^r, p luy mesm, come un Fait de release, ou &c. q le Bailife ne pleaderoit, ou ne puit pleader p luy, pria un mieux Examination d^e l Cause, ou devant mesm les Justices ou auts, & acquire Letrs Patents, (vide leur forme F.N.B. 181.) & donque port un B^re al Vicount d^e appeller le party p q le Assise ad passe, & aux le Jurie que fuit impannel sur mesm le Assise, devant les dits Justices, a un jour & lieu certain.

Et est appel un Certificate, p ceo q en ceo mention est fait al Vicount, que sur le pries complaint del defective Examination, ou awrust uncore remanant sur le Assise passe, le Roy ad direct ses Letters Patents a les Justices, p le mieux certificatiō d^e leur mesms, ou touts les points del dit Assise fueront examine ou nemy.

Certiorari.

Certiorari est un Brief q gist lou un est impleadē in a base Court, que est de Record, & il suppose q il ne poit aver equal Justice la; donques sur un Bill en le Chancery, comprisant asc^e matter

matter en Conscience, il a-
vera cest Brief pur remover
tout le Record en le Chan-
cerie, & la destre deter-
mine p Conscience; mes sil
ne prova son Bil, donques l'
auter party avera un Brief de
Procedendo, a remand' le Re-
cord en le base Court, & la
destre determine. Auxy il
gist en plusieurs autres cases,
pur remover Records p le
Roy, cōe Indictments & auters.

matter of Conscience, he shall
have this Writ to remove all
the Record into the Chancery,
there to be determined by Con-
science; but if he prove not his
Bill, then the other party shall
have a Writ of *Procedendo*, to
send again the Record into the
base Court, and there to be de-
termined. And it lies in many
other cases, to remove Records
for the King, as Indictments
and others.

Cessavit.

Cessavit.

Cessavit est un Brief q
gist lou mon verie Te-
nant tient de moy certain
fres ou tenements, rendant
certain Rent p an, & le Rent
est aros p deux ans, & nul
sufficient Distresse poit estre
trove sur le terf; donques
jeo avera cest Bre, p que jeo
recovera le fre: Mes si le
Tenant vient en Court de-
vant Judgment, & rendra les
Arrerages & les Damages, &
trove Suretie q il ne cessera
pluis en payant de dir Rent,
jeo terra compel de pnder
les Arrerages & les Dama-
ges, & donques le Tenant
ne pdera la terf. Le Heir
ne poit maintenir cel Brief p
Cesser fait en temps son An-
cestor: Auxy ne gist mes p
Asiual service, come Rent,
& hujusmodi, & nient
pas pur Homage & Feal-
ty.

Auxy il y ad auter Brief

Cessavit is a Writ that lies
where my very Tenant
holds of me certain lands and
tenements, yielding certain
Rent by the year, and the Rent
is behind for two years, and no
sufficient Distress may be found
upon the land; then I shall
have this Writ, by which I
shall recover the land: But
if the Tenant come into the
Court before Judgment given,
and tender the Arrerages and
Damages, and finde Surety
that he shall cease no more in
payment of the said Rent, I
shall be compelled to take the
Arrerages and the Damages,
and then the Tenant shall not
lose the land. The Heir may
not maintain this Writ for
Cessure made in the time of his
Ancestor: And it lies not but
for Annual service, as Rent,
and such other, and not for
Homage and Fealty.

Also there is another writ
called

called *Cessavit de cantaria*, which lies where a man gibes land to a House of Religion, to find for the soul of him, his ancestors, and his heirs yearly a Candle or Lamp in the Church, or to say Divine Service, feed the poor, or other Alms, or to do some other thing; then if the said Services be not done in two years, the Donor or his heirs shall have this writ against whosoever holds the things given after such Cessure. See the Statute W. 2. cap. 41.

appel *Cessavit de cantaria*, & gift ou un done terrs a Meason de Religion, a trover p l'alme de luy, de ses ancestors, & de ses heires, aualier un Chandel ou Lampe e Esglise, ou p faire Divine Service, de passer les povers, ou auters Almes, ou auter tiel chose faire; donque si les dits Services ne sont pas fait p 2 ans, le Donr ou ses heires aver cest Brief vers quecunque est eins apres tiel Cesser. Vide le Statute W. 2. cap. 41.

Cession.

Cession is, when an Ecclesiastical person is created Bishop, or when a Parson of a Parsonage takes another Benefice without dispensation, or otherwise not qualified, &c. In both cases their first Benefices are become void, and are said to become void by Cession. And to those that he had, who was created Bishop the King shall present for that time, whosoever is Patron of them: And in the other case the Patron may present.

Cession.

Cession est, quant un Ecclesiastical pson est cree Evêque, ou quant un Parson d'un Parsonage prist un aut Benefice sans dispensation, ou autrnt nient qualifié, &c. En ambideux cases leur primer Benefices sont devenus void, & sont appelle destit void p Cession. Et al ceux que il ad q fuit cree Evêque le Roy pntera pro illa vice, quicunque soit Parron de eux: Et en l'auter case le Parron poit presenter.

Challenge.

Challenge is an Exception taken either against Persons or Things. Persons, as in an Assise, the Jurors, or any one, or more of them; or in case of felony, by the Prisoner

Challenge.

Challenge est un Exception prise ou envers Personnes ou Choses. Persones, cõe en un Assise, les Jurors, ou asc' un, ou plus de eux; ou en case d Felony, p le Prisoner al

al Barre : Vers *Choses*, com' ū Declaration. *Vet. N. B. fol. 76.*

Challenge fait a les Jurors est fait ou al Array, ou a les Polls. *Challenge al Array* est, ou Exception est prise al entire number, come impanel ptialmt : *Challenge al ou per le Poll* est, ou Exception est prise al ascun un ou pluis, come nient indifferent. *Challenge a les Jurors* est aux di- vide en *Challenge principal*, & *Challenge pur cause*, cest adire, sur cause ou reason. *Challenge principal*, ou perem- ptory, est ceo que le Ley allowe sans cause alledge, our examination: come un Prisoner al Barre, arraigne sur Felony, poit peremptoriment chal- lenge al nombre de vint, un apres aut, del Jury impanel sur luy, nient alledge' de asc' cause, mes sō dislike demesne, & ils serront discharge, & novels mise en lour lieus : & ceo est *in favorem vite*. Mes ē le case de hault Treason nul peremptory Challenge est al- lowe. Vide 25 H. 8. cap. 3. Et un difference poit estī ob- serve perent Challenge prin- cipal & Challenge pemptory, p' ceo q̄ Challenge pempro- ry semble solemt destī use ē choses Criminal, & mesment sans ascun cause alledge, pluis q̄ le sole phantasie del Pri- soner, *Stam. Pl. Co. f. 124.* & principal p' le greinder pr en Civile Actions, & ove le nosmant de ascun Exception,

at the Bar : Against Things, as a Declaration. Old N. B. fol. 76.

Challenge made to the Jurors is either made to the Array, or to the Polls. Challenge to the Array is, where Exception is taken to the whole number, as impanelled partially : Chal- lenge to or by the Poll is, where Exception is taken to any one or more, as not indifferent. Challenge to the Jurors is also divided into Challenge prin- cipal, and Challenge for cause, that is, upon cause or reason. Challenge principal, or perem- ptorie, is that which the Law allows without cause alledged, or examination : as a Prisoner at the Barre, arraigned upon felony, may peremptori- ly challenge to the number of twenty, one after another, of the Jury impanelled upon him, not alledging any cause at all, but his own dislike, and they shall be discharged, and new put into their places : and this is in favour of life. But in the case of high Treason no peremptorie Challenge is allowed. See 25 H. 8. cap. 3. And a difference may be observed between Challenge principal and Challenge perem- ptory, because Challenge perem- ptory seems onely to be used in matters Criminal, and merly without any cause alledged, more then onely the Prisoner's dislike, *Stamf. Pl. Cor. fo. 124.* and principal for the most part in Civil Actions, and with the naming of some Exception, which

Which being found true, the Law presently allowes. As for example, if any party saith that one of the Jurors is the Son, Brother, Cousin, or Tenant to the other party, or married to his daughter, this is a good and strong Exception, if it be true, without farther examination of the credit of the party challenged. And of how large extent this Challenge of Kindred is, does well appear in Plow. fo. 425. Also in the Plea of the Death of any man, and in every Action real, and also in every Action personal, where the debt or damages amounts to 40. marks, it is a good Challenge to any of the Jury impanelled, That he cannot dispend forty shillings by the year of his own freehold. An. 11 H. 7. cap. 21.

Challenge upon reason or cause is, when the party alledges any such Exception against one or more of the Jurors, which is not lawfully sufficient upon acknowledgment of the truth thereof, but rather arbitrable and considerable by the rest of the Jurors; as if the son of the Juror had married the daughter of the adverse party. This Challenge by cause seems to be termed by Kitch. fol. 92. Challenge for favour; or rather Challenge for bias is there said to be a Species of Challenge by cause: where may also be read what Challenges are commonly accounted principal, and what not.

Quant estant trové voyer, le Ley maintenant allowe. Come p' example, si asc' partie dit que un des Jurors est le Fils, Frere, Cousin, ou Tenant al autre partie, ou espouse son file, ceo est un bon & fort Exception, sil soit voyer, sans plus examination d'el credit del partie challenge. Et de q' large extent cest Challenge de Consanguinitie est, bien appiert Plow. fol. 425. Auxy en le Plea del Mort de ascun home, & en chescun Action real, & auxy en chescun Action personal, ou le debt ou damages amount al 40. marks, il est bone Challenge al ascun del Jurie impanel, que il ne poit dispendre 40. s. per le an de son Franktenement demesne. An. 11 H. 7. cap. 21.

Challenge sur raison ou cause est, quant le party alledge asc' tiel Exception vers un ou plus d'el Jurie, que n'est immediatement suffisie: Et sur conscience d'el voierie de ceo, mes arbitrable & considerable per le residue des Jurors; e'ce si le fils le Jutor ad espouse le file del adverse partie. Cest Challenge per cause semble per Kitch. fol. 92. destre dit Challenge pur favour; ou porius Challenge p' favour est la dit destre un Species de Challenge p' cause: Ou poies auxy lier queux Challenges sont communement account p' principal, & queux nemy.

Chamberdekins.

Chamberdekins sont Irish Beggars, q^d p le Statute de 1 H. 5. c. 8. fueront p un certain temps, deins meisme le Statute expresse, d' auoir cest Terre.

Champertie.

Champertie est un B^re, & gist lou deux homes sont impleadants, & l'un done la moietie ou part del chose en plee a un estranger, pur luy maintenir encouⁿt l'auter; donques le party grieve a vera cest B^re devers l'estranger. Et semble que ceo ad este uⁿ ancien^t grievance en nostre Terre: Car nient obstant diuers Statutes, & un forme d'un B^re frame a eux, undeore Anno 4 E. 3. c. 11. suit enact, Que ou les primer Statutes pvide redresse pur ceo seulement en Bank le Roy, que donques attend le Court, il serroit loyal pur les Justices del Common Pleas ensement & Justices d' Assises en leur Circuits, d'enquiere; oyer & determiner ceux & tiels cases, cybien al Suit le Roy, come al Suit del party. Anxy suit ordeigne per le Statute de 33 H. 8. (que suit confirme p le Statute de 37 H. 8. c. 7.) Que Justices del Peace a leur Quarter Sessions averont authority d'en-

Chamberdekins.

Chamberdekins are Irish Beggars, which by the Statute of 1 H. 5. c. 8. were by a certain time, within the said Statute limited, to avoide this Land.

Champertie.

Champertie is a writ that lies where two men are impleading, and one gives the half or part of the thing in plea to a stranger, to maintain him against the other; then the party grieved shall have this writ against the stranger. And it seems that this hath been an ancient grievance in our Realm: For notwithstanding divers Statutes, and a form of a writ framed unto them, Anno 4 E. 3. c. 11. it was enacted, That where the former Statutes provided redress for this only in the King's Bench, which then followed the Court, it should be lawful for the Justices of the Common Pleas likewise and Justices of Assize in their Circuits, to enquire, hear, and determine these and such cases, as well at the King's Bench as at the Suit of the party. Also it was ordained by the Statute of 33 H. 8. (which was confirmed by the Statute of 37 H. 8. c. 7.) That Justices of Peace at their Quarter Sessions should have authority to

quire, as well by the oaths of 12 men, as by the information given to them by any person or persons, of the defaults, contempts and offences committed against the Laws and Statutes made and provided touching Champerty, Maintenance, &c. and to hear and determine the said faults and offences.

Champerours are they that move Pleas and Suits, or cause to be moved by their own or others procurement, and sue them at their own costs, to have part of the lands or gains in variance. *See the Stat. Articuli super Chartas, c. 11.*

Chance-medley.

Chance-medley is, when a man without any evil intent doth a lawful thing, or that is not prohibited by Law, and yet another is slain or comes to his death thereby, as if a man calls a Bone, which hits a man or woman, who after dies thereof; or if a man shoots an arrow, and another that passes by is killed, and such like; this manner of killing is Man-slaughter by misadventure, or Chance-medley, for which the Offender shall have his pardon of course, as appears by the Statute of 6 E. 1. c. 9. and he shall forfeit his goods in such manner as he that kills a man in his own defence. But in this case it is to be considered, whether he that commits this Man-slaughter by Chance-

quire, cybien p les seremens d 12 homes, come p l'enformation done a eux p ascun pson ou psons, des defaults, contempts & offences commise encountr les Ley's & Statutes fait & purview touchant Champrie, Maintenance; &c. & a oyer & determiner les dits faults & offences.

Champerours sont ceux q mova Plee's & Suits, ou cause destre move p leur ou auters pcurer, & sue a leur costages & charge demesne, p aver part del fre ou gaires e variance. Veies le Stat. Articuli super chartas, c. 11.

Chance-medley.

Chance-medley est, quant un home sans ase male entent fait un loyal chose, ou q nest phibit p Ley, & uncore aut est tue ou vient a son mort p ceo: sicome hōe jet un pierre, q percusse hōe ou feme, q apres de ceo morust; ou si home sagitte un fletch, & auter q passe est occide, & riels semblables; cest maner d'occision est Homicide p misadventure, ou Chance-medley, pur que l' Offendor avera son pardon de course, come appiert p le Statute de 6 E. 1. c. 9. & il forfeitera ses biens en riel maner come cestuy q tuera un home e son defence. Mes e e' case est destre consider, ou cestuy q commit cest Homicide per Chance-

medley fuit ē fesans d'ū loy-
al chosesicar si l'act fuit illoy-
al, cōe a pūner al Bafiers, ou
currer a Tilt sans cōmande-
mēt le Roy, ou jetē pierres en
ū Hault-voy ou hōes usualmēt
passē, ou sagittāt fletcher en ū
Market-lieu, ou tiels sembla-
bles, p q ū hōe est occide; en
touts ceux cases il est Felonie
al meines, cestascavoir, Homicide,
sinon Murd; car l'Offen-
dor esteāt feasant d'ū illoyal
act p son volunt demesne, le
Ley construa son meaning &
volūt ē c'p le successe del act.

Come si deux sont pugnāts
ensemble, & ū tierce hōe vi-
ent a severer eux, & est occide
p ū d' eux deux, sans asc' ma-
lice ppense ou male entent ē
luy q occide le home, uncore
ceo est Murder ē luy, & ne-
my Homicide per Chance-
medley ou misadventure, p c'
q ils deux q cōbateront en-
semble fueront ē feasance d'ū
illoyal act. Et si ils fueront
assemble ove malice ppense,
l'un intendāt occide l'aut,
donque il est Murd en eux
ambideux.

Chapter.

Chapiter est un Summarie
ou content d' tous tiels
choses q sont destre enquire
devāt Justices ē Eyre, Justices
d' Assise, ou del Peace ē leur
Sessions: Mōt est use 3 E. 1.
c. 27. en ceux parols, Et q nul
Clerk dasc' Justice, Eschea-

medley was doing a lawf-
ful thing: for if the act was unlaw-
ful, as to fight at Barriers, or
run at Tilt without the King's
commandment, or cast stones in
a High-way where men usually
pass, or shoot arrows in a Mar-
ket-place, or such like, whereby
a man is killed; in all these ca-
ses it is felony at least, that
is, Man-slaughter, if not Mur-
der; for the Offender being
doing an unlawful act of his
own will the Law shall construe
his meaning and will herein by
the successe of the act.

As if two are fighting toge-
ther, and a third man comes to
part them, and is killed by one
of the two, without any malice
forethought or evil intent in
him that killed the man, yet
this is Murder in him, and
not Man-slaughter by Chance-
medley or misadventure, be-
cause they two that fought to-
gether were in doing an un-
lawful act. And if they were
met with premeditated malice,
the one intending to kill the other,
then it is Murder in them
both.

Chapter.

Chapiter is a Summary or
content of all such matters
as are enquirable before Jus-
tices in Eyre, Justices of Assise,
or of the Peace in their Ses-
sions: So it is used 3 E. 1. c. 27.
in these words, And that no
Clerk of any Justice, Eschea-

tor, or Commissioner in Eyre, shall take any thing for deliberation of Chapters, but onely Clerks of Justices in their Circuits; and likewise 13 E. 1. c. 10. in these words. And when the time comes, the Sheriff shall certifie the Chapters before the Justices in Eyre how many writs he hath. Also Britton uses it in the same signification, cap. 3. And at this day Chapters are called Articles, for the most part, and are delivered as well by the mouth of the Justice in his Charge, as by the Clerks in writing, to the Enquest, where in ancient time they were (after an Exhortation given by the Justices, for the observation of the Laws of the King's peace) first read finally and openly in the full Court, and then delivered in writing to the grand Enquest. In example of these Chapters there is in the Book of Assises, fol. 138. pla. 44.

Chaplain.

Chaplain is he that performs Divine Service in a Chapel, and therefore is commonly used for him that depends upon the King or other man of worth, for the instruction of him and his family, the reading of prayers, and preaching in his private house, where usually they have a Chapel for that purpose.

And for that they are retained

tor, ou Commissiõner e Eyre, p'endre asc' chose p' delivery de Chapters, mes seulement Clerks de Justices en leur Circuits; & enseint 13 E. 1. c. 10. en ceux parols, Et quant le temps vient, le Vicount certifiera les Chapters devant les Justices e Eyre quel nombre des B'f'es il ad. Auxy Britton e mesme signification use cest parol, cap. 3. Et a cest jour Chapters sont appellees Articles, p' le greind' part, & sont deliver cybien per la bouche del Justice en son Charge, cõe p' les Clerks en escript, al Enquest, ou en ancient temps ils fueront (apres u Exhortation done p' les Justices, p' le bone observation del Leys & Peacẽ del Roy) primermt lie distinctmt & apertmt e le plein Court, & donq deliver en escript al grand Enquest. Un exemple d' ceux Chapters la est e le Livrẽ d' Assises, fol. 138. pla. 44.

Chaplein.

Chaplein est celuy q fait Divine Service en un Chappel, & p ceo est communemt use p celuy q depeẽd sur le Roy ou aut home de qualitie, p l'enstruction de luy & son Familie, le lection de Orisons & Sermons e son private meason, ou comunemt ils ont un Chappel p cel purpose.

Et p ceo q ils sont retenee
1 3 per

per Lettres desouth le Signer
d' leur Patron, & per ceo sont
p' entendment destre resiant
ove eux, le Ley ad done liber-
tie p' leur Non-resiance sur
leur Benefices.

Si un Count ou Baron re-
teigne ũ Chapleyn, & devant
son advancement soit attainct d'
Treason, la le Reteigner est
determine, & aps l'Attainder
riel Chapleyn ne poit accept
ũ second Benefice, p' ceo que
cestuy q' est attainct est p' son
Attainct un mort p' son o' Ley.
Et queux p' sons d' Nobilitie
& auters poient reteiner, &
quant Chapleins ils several-
ment poient reteine, l'Act de
21 H.8.c.13. bien declare.

La feme d' un Baron duror
le Coverture ne poit reteigne
ũ Chapleyn; uncore quant ũ
Baronesse dotate reteigne un
ou deux, selonque le Proviso
del dit Act, cest Reteigner est
le principal matre, & si longe
come le Reteigner est e' force,
& le Baronesse continue un
Baronesse, les Chapleins bien
poient accept deux Benefices
p' l'expresse letter del Act;
car il suffist, si al temps del
Reteigner le Baronesse fuit
widow. Et en ceo cest rule est
destre entend d' un feme q' at-
teigne Nobilitie p' Mariage,
come p' mariage d' un Duke,
Count, ou Baron, &c. car en
riel case, sel apres marrie de-
south le degre de Nobili-
tie, per riel Mariage el
perde le Dignitie a que el

by Letters under the Seal of
their Patron, and thereby by
intendment are to be resiant
with them, the Law hath given
liberty for their Non-residence
upon their Benefices.

If an Earl or Baron retains
a Chaplain, and before his ad-
vancement is attained of
Treason, there the Retainer is
determined, and after the At-
tainder such Chaplain cannot
take a second Benefice, because
he that is attained is by his
Attainder a dead person in
Law. What and how many
Chaplains Noblemen and o-
thers may respectively retain,
the Statute of 21 H.8.c.13. doth
well declare.

The wife of a Baron during
the Coverture cannot retain a
Chaplain; yet when a Ba-
ronesse Dowager retains one or
two, according to the Proviso
of the said Statute, the Re-
tainer is the principal matter,
and as long as the Retainer is
in force, and the Baronesse con-
tinues a Baronesse, the Chap-
lains may well take two Bene-
fices by the expresse letter of the
Statute; for it suffices, if at
the time of the Retainer the
Baronesse were a widow. And
herein this rule is to be observed
of a woman that attains No-
bility by Marriage, as by mar-
riage of a Duke, Earl, or Ba-
ron, &c. for in such case, if she
afterward marry under the de-
gree of Nobility, by such Mar-
riage she loses the Dignitie she
had

had attained, and after such latter Marriage the power to retain a Chaplain is determined. But otherwise it is where a woman is Noble by Discent, for there her Retainer before or after the Marriage with one that is not Noble shall be in force, and is not countermanded by the Marriage, nor determined by her taking a husband under her degree. Coke lib. 4. fol. 118, 119.

ad attaine, & apres tiel darreine Marriage le poyar de reteiner un Chapleyn est determine. Mes autrement est ou feme est Noble p Discent, car la sa Reteigner devant ou apres le Marriage ove u que est Ignoble serra en force, & nemy countermand per le Marriage, ne determine per sa prisel d' un baron de south sa degree. Coke lib. 4. fol. 118, 119.

Chapter.

Chapter in Latine is defined to be An Assembly of Clerks in a Church-Cathedral, conventual, regular, or Collegiate; and in another signification, A place wherein the members of that Community treat of their common affairs; and it hath other significations which appertain not to our purpose. It may be said that this Collegiate company is termed Chapter metaphorically, the word originally implying a little head; for this Company or Corporation is as a Head, not only to rule and govern the Diocese in the vacation of the Bishoprick, but also in many things to advise the Bishop when the See is full.

Charge.

Charge is where a man grants a Rent issuing out of his land, and that, if the Rent be behind, it shall be lawful for

Chapter.

Chapter en Latine est define deestre Congregatione Clericorum in Ecclesia Cathedrali, conventuali, regulari, vel Collegiata; & en aut signification, Locu in quo fiunt communes tractatus Collegiatoru: & il ad auters significacions q ne pas appent a nre purpose. Poit estre dit q cest Collegiate society est appell Chapter metaphorice, le parol originalmt impliont u petit teste; car cest Society ou Corporation est sicome un Teste, non solemnt a gard & govern le Diocesse en le vacation del Evesquery, mes aux e plusors choses d'adviser l'Evesque quant le See est pleine.

Charge.

Charge est lou un home granta un Rent issuant hors d son tre, & q, si le Rent soit arere, que serra loyal a luy.

luy, ses heirs & assigns, a distrain tanq le Rent soit pay : cest appel un *Rent-charge*. Mes si ū grant ū *Rent-charge* hors del terre d'un auf, comt puis il purchase la fre, uncore le Grant est void.

him, his heirs and assigns, to distrain till the Rent be paid : this is called a *Rent-charge*. But if one grant a *Rent-charge* out of the land of another, though after he purchase the land, yet the Grant is void.

Charter-land.

Charter-terre est tcel que Chome tient p Charter, cest adire per Evidence en escript, q autrement est appel Franktenement. Copihold fres devant le Conquest fueront p les Saxons appel *Folkland*, & les Charter-fres, *Bockland*. Et Lambert, en son Explication de Saxon parols, dit, Que cest fre fuit tenuz ove plus facile & comodious conditions q *Folkland* ou *Copihold* fre tenus sans Escrip : Et son reason est, pur ceo q il est un frank & imune Inheritance, ou fre sans Escrip est charge ove payments & servitude; p q le greind part hoies d Nobilitie & bone Qualitie possont le primer, lauf Rustick homes. Le prim nous appelloimus Franktenement, & p Charter ; lauf, Terre al volunt del Seignior.

Si Riot, Rout, ou Illoyal assembly soit commise, donques per le Act de 19 H. 7. c. 13, vint homes inhabitant deins le County ou le Riot, &c, est fait (de q chescun de eux avera terres & tenements deins mesm le County al

Charter-land.

Charter-land is such as a man holds by Charter, that is, by Evidence in writing, which otherwise is called *freehold*. *Coppyhold*-lands before the Conquest were by the Saxons called *Folkland*, and the *Charter*-lands *Bockland*. And Lambert, in his Explication of Saxon words, saith, That this land was held with more easie and comodious conditions then *Folkland* and *Coppyhold*-land held without writing : And his reason is, because it is a free and absolute Inheritance; whereas land without writing is charged with payment and bondage; so that for the most part Noblemen and persons of Quality possesse the former, and Rusticks the other. The first we call *freehold* and by Charter ; the other, Land at the will of the Lord.

If a Riot, Rout, or Unlawful assembly be committed, then by the Statute of 19 H. 7. c. 13, twenty men inhabiting within the County where the Riot, &c, is made (whereof every of them shall have lands and tenements within the same County to the

yearly

yearly value of twenty shillings of Charter-hold or Freehold, or twenty six shillings of Copyhold) shall make enquiry thereof.

annuel value de vint soulz de Charter-hold ou Franktenement, ou vint & six soulz d Copihold) feront enquiry de ceo.

Charter party.

Charter partie.

Charter party is an Indenture of Covenants and Agreements made between Merchants or Mariners concerning their Sea-affairs; And of this you may reade in the Statute, now out of use, made 32 H. 8. cap. 14.

Charter partie est un Indenture des Covenants & Agreements faits entre Merchants ou Mariners touchant leur maritime affairs: Et de ceo poyes lier le Statute, ore obsolete, fait 32 H. 8. cap. 14.

Charters.

Charters.

Charters of Lands are Writings, Deeds, Evidences and Instruments, made from one man to another, upon some Estate conveyed or passed between them of Lands or Tenements, shewing the names, place, and quantity of the Land, the Estate, time, and manner of the doing thereof, the Parties to the Estate, delivered and taken, the Witnesses present at the same, with other circumstances.

Charters de Terres sont Escripts, Faits, Evidences & Instruments, fait d'un home al autre, sur asc' Estate conveyed ou passed entre eux de Terres ou Tenements, monstrant les nosmes, lieu, & quantitie del Terre, le Estate, temps, & manner del feisans de ycel, les Parties a l'Estate, deliver & prise, les Tesmoignes p'sent al ceo, ove autres circonstances.

Chartis reddendis.

Chartis reddendis.

Chartis reddendis is a Writ which lies against him that has Charters of Feoffment delivered him to be kept, and refuses to deliver them. Old Nat. Rev. fol. 66. Reg. orig. fol. 159.

Chartis reddendis est un Breve q' gist envers luy q' ad Chartres del Feoffment deliver al luy p' conserver, & il refuse deliver ceux. Veil Nat. Breve fol. 66. Reg. orig. fol. 159.

Chafe.

CHafe est prise deux voyes: primerment a driver cattel, sicōc a chafer ū Distresse a un Fortlet; seconderment, est use p un Receit p Dames & Avers d'un Forest; & est d'un nature penſe un Forest & un Park, estant communément meins q ū Forest, & nēy edow ove tous Liberties, cōc ove Courts de Attachmēt, Swanimōt, & Justice seat; & unc' d'un plus large cōpas, & ayāt plus diversitie del Gardiās & Game q ū Park. *Crompt.* en son Liv' de Jurisdicions, fo. 148. dit, Que ū Forest ne poit estre en les maines dū Subject, mes il immediatmēt pde le nomme, & devient ū Chafe; & unc' fo. 197. il dit, Que un Subject poit estre Sñr & own d'un Forest; le quels nient obſtāt que semble contrary, uncore sont ambideux les dits t̄ alse' sense voyer: Car le Roy poit done ou alienar un Forest a ū Subject, uncore issint q quāt il est un foits en le Subject, il pd le voyer ppartie d'un Forest, p ceo q les Courts de Swanimōt, Justice seat & Attachment, immediatmēt vanie, nul esteant able de faire un Sñr chiefe Justice ē Eyre del Forest fors q le Roy, sicōc *Manwood* ad bien monstre en son Liv' de Forest Lyes, ca. 3, & 4. Uncore poit estre grantus en tel large manier, q la

Chafe.

CHafe is taken two waies: first, to drive cattel, as to chase a Distress to a Castle; secondly, for a Receipt for Deer and Beasts of the forest: and it is of a middle nature between a Forest and a Park, being commonly less then a Forest, and not endued with so many Liberties, as with Courts of Attachment, Swanimore, and Justice seat; and yet of a larger compass, and having greater diversity of Keepers and Game then a Park. *Crompt.* in his Book of Jurisdicions, fol. 148. saith, That a Forest may not be in the hands of a Subject, but it presently loses the name, and becomes a Chafe; and yet fol. 197. he saith, That a Subject may be Lord and owner of a Forest; which though they seem contradictory, yet are both his sayings in some sense true: For the King may give or alienate a Forest to a Subject, yet so that when it is once in the Subject, it loses the true property of a Forest, because the Courts of Swanimore, Justice seat and Attachment, presently vanish, none being able to make a Lord chief Justice in Eyre of the Forest, but the King, as *Manwood* hath well shewed in his Book of Forest Laws, cap. 3, & 4. Yet it may be granted in such large manner, that there may

may be Attachment aux Swain-
more, and a Court equivalent to
a Justice sear, as appears by him
in the same Chapter. *huth. 3.*
So that a Chase differs from
a Forest in this, because it may
be in the hands of a Subject,
which a Forest in his proper
nature cannot be; and from a
Park in this, that it is not in-
closed, and hath not onely a
larger compass, and more
sort of Game, but of Keepers
also and Overseers. *De For-
rest.*

Chatels.

Chatels. *De Catals.*

Chauntry.

Chauntry is a Church or
Chappell indued with lands
to other yearly revenues for the
maintenance of one or more
Priests, to sing Mass daily for
the Souls of the Donors, and
such others as they appoint.
And of these you may read in
the Statutes made 37 H. 8.
cap. 4. & 1 E. 6. cap. 14.

Chevage.

Chevage is a sum of money
paid by Villains to their
lords in acknowledgement of
their Slavery; which Bracton,
lib. 1. cap. 10. thus defines;
*Chevagium dicitur recognitio in
seignum subjectionis & domini de
capite suo.* It seems also to be

poit estre Attachment &
Swainmore, & un Court e-
quivalent a un Justice sear,
come appiert p luy en m le
cap. num. 3. Il s'ent q un Chase
differt de un Forest en ceo,
pur ceo que poit estre en les
maines dun Subject, que un
Forest en son proper & voyer
nature ne poit estre; & de
un Park en ceo, q nest in-
close, & ad non solent un
pluis large copass, & pluis store
de Game, mes de Gardians aux
& Supervisors. *Vide Forest.*

Chatels.

Chatels. *Veies Catals.*

Chauntry.

Chauntry, Cantaria, est u
Eglise ou Chappel edow
ove tres ou aut annual reve-
news p le maintenance dun
ou plufors Priests, de chaue
Masse de jour en jour p les
Ames des Donors, & tiels
auts q ils appoint. Et d' ceux
poyes lier en les Statutes
37 H. 8. ca. 4. & 1 E. 6. ca. 14.

Chevage.

Chevage est un sum d'
Cargēt pay per Villeins a
leur Sñrs en conusans d' leur
Villanage, le quel *Bract. lib.
1. ca. 10.* il s'ent define e Latin;
*Chevagium dicitur recognitio in
seignu subjectionis & domini de
capite suo.* Semble aux destre
use

nse pur un somme d'argent
dosi p u home alaut de poyer
& potencie p son avowment,
maintenance & ptection, si-
come a lour Teste ou Condu-
ctor. Lambert ceo escrie Chi-
vage, ou potius Chiefrage.

used for a summe of money given
by one man to another of power
and might for his avowment,
maintenance and protection as
to their Head or Leader. Lam-
bert writes it Chivage, or rather
Chiefrage.

Chevisance.

Chevisance.

Chevisance venist del pa-
rol Francois Chevir, id
est, devener al Chief de quel-
que chose. Et pur ceo que le
perfection dun Bargaine est
le porter del matter al fine, c'
paroll Chevisance est use pur
Bargainer en les Statutes 37
H. 8. cap. 9. & 13 Eliz. cap.
7, & 8.

Chevisance comes from the
French word Chevir, that
is, to come to the end or Head
of a business. And because
the perfecting of a Bargain
is the drawing of the matter
to the head, this word Che-
visance is used for Bargaining
in the Statutes of 37 H. 8.
cap. 9. & 13 Eliz. cap. 7, & 8.

Childwit.

Childwit.

Childwit, hoc est, quod
capitis Gersumam de na-
tura vestra, corrupta &
pregnata sine licentia ve-
stra.

Childwit, that is, that you
may take a fine of your
Wondwoman, defiled and got-
ten with childe without your
licence.

Chimin.

Chimin.

Chimin est le Haut voy
clou chescun hœe passa, q
est appel Via Regia; & uncore
le Roy nad auf chose la forsq
le passage p luy & sō people;
car le Frankenement est
en le Seignior del soile, &
touts les Profits cressants
la, come Arbres & auters
choses. Et ceo est divide en
deux sorts, Via Regia, de
que est parle devant, &

Chimin is the High-way
where every man goes,
which is called Via Regia; and
yet the King hath no other
thing there but the passage for
him and his people; for the
Freehold is in the Lord of the
soile, and the Profits grow-
ing there, as Trees and other
things. And it is divided in-
to two sorts, the King's way, of
which is spoken before, and
a pri-

a private Way, or private Passage ; and this is a Way by which one man or more have liberty to pass, either by prescription, or by writing, through the land of another : And this is divided into a Way in gross, and a Way appendant, Kitch. fol. 177. Chimin in gross is that Way which a man holds principally and solely in it self : Chimin appendant is that which a man hath adjoined to some other thing, as appertaining therunto ; for example, if a man hires a Close or Pasture, and hath a Covenant for ingress and egress, to and from the said Close, through the ground of some other, through which otherwise he might not pass. Or a Way in gross may be that which the Civilians call Personal ; as when one covenants for a way through the ground of another man for himself and his heirs : A Way appendant, on the other side, may be that which they call Real, as when a man purchases a way through the ground of another man, for such as do shall dwell in this or that house, or that are the owners of such a Manor, for ever.

Chiminage.

Chiminage is a Toll paid for a man's passage through a Forest, to the disquiet of the beasts of the Forest.

Via privata, ou Chiminus privatus ; & ceo est un Voy per q un homme ou plus ont libertie a passer, ou p prescription, ou p charter, sur le tre dun aut homme : Et ceo est divide en Chimin en grosse, & Chimin appendant, Kitch. fol. 177. Chimin en grosse est ceo Voy que home tient principalement & solemt en luy mi : Chimin appendant est ceo q home ad adjoin a ascun aut chose, come appertenant a ceo ; pur exemple, si home prist un Close ou Pasture, & ad covenant pur ingress & egress, al & de meisme le dit Close, p ascun auter terre, p que autermt il ne poit passer. Ou Chimin en grosse poit estre ceo q les Civilians appel Personal ; come quant un covenant p un voy sur le terre dun auter homme pur luy meisme & ses heires : Chimin appendant, e converso, poit estre ceo que ils appel Real ; sicome quant home purchase un voy p le soile dun auter homme, pur tiels que inhabiteront ou inhabiteront en cest ou cest meason, ou q sont les owners de tiel Manor, a tours jours.

Chiminage.

Chiminage est un Toll done pur passage per un Forest, en disturbance des feres del Forest.

Chirographer.

Chirographer.

C*hirographer* est celui que en le Office del cōmon Bank engrosse Fines connas en cest Court en un pperual Record, (puis que ils sont conus & pleinement passé per ceux Officers per queux ils sont primerment examine) & que escrie & deliver les Indentures, un pur le Purchasor, & auter pur le Vendor, & fait un auter Escrow endented, contenant auxy le effect del Fine, que il deliver ouster al *Custos Breuium*, que est appel le Pee del Fine. Le *Chirographer*, auxy, ou son deputy, proclame tous les Fines en le Court chescū Terme, accordant al Statute, & donques en alant al Office del *Custos Breuium*, la endorse les Proclamations sur le doré del Pee de ceo, & tous soirs retaine le Brief de Covenant, come auxy le Note del Fine.

Chivage.

C*hivage.* Veies *Chevage*.

Chivalrie.

C*hivalrie* est ū Tenure de fīre p service d' Chivaler: p le meux intelligēce de que

Chirographer.

C*hirographer* is he that in the Cōmon-Bench-Office ingrosses fines acknowledged in that Court into a perpetual Record, (after they are acknowledged and fully passed by those Officers by whom they are first examined) and that writes and delivers the indentures, one for the Buyer, and another for him that sells, and makes another indentured piece, containing also the effect of the fine, which he delivers over to the *Custos Breuium*, which is called the foot of the fine. The *Chirographer* also, or his deputy, proclaims all the fines in the Court every Term, according to the Statutes, and then repairing to the Office of the *Custos Breuium*, there endorses the Proclamations upon the backside of the foot thereof, and always keeps the writ of Covenant, as also the foot of the fine.

Chivage.

C*hivage.* See *Chevage*.

Chivalrie.

C*hivalrie* is a Tenure of land by knight's service: for the better understanding wherof

it is to be known, that there is no land but is held mediately or immediately of the Crown by some Service or other; and therefore all our free-holds that are to us and our heirs are called fees, as proceeding from the bounty of the King for some small yearly rent, and the performance of such services as originally were imposed upon the land at the giving thereof: for as the King gave to his Nobles, his immediate Tenants, great possessions for ever, to hold of him for such or such rent and service; so they again in time parcelled out, to such as pleased them, their lands so received of the King's bounty, for such rents and services as to them seemed good. And the Services are all by Littleton divided into two sorts, Chivalry and Socage; the one martial and military, the other clownish and rustical.

Chivalry therefore is a Tenure whereby the Tenant is bound to perform some noble or military office to his Lord; and is of two kinds, either Regal, that is, such as may be held onely of the King, or such as may also be held of a common person as well as of the King. That which may be held onely of the King, is properly called *Servitium* or *Sergeantia*, and is also again divided into

est destre comus, que la nest aucun terre mes il est tenuz mediatement ou immediatement del Corone per aucun Service ou autre; & par ceo tous nostz Franktenements que sont a nous & a nostz heires sont appel Fees, come ensuants de le bountie d'el Roy pur petit annual rent, & le performance de tiels services que originalment fueront impose sur le terre al donation de ceo: Car si come le Roy done a ses Nobles, ses immediate Tenants, graund possessions a tous jours, a tener de luy pur celui ou tiel rent & service; issint ils arent en temps divide ouster, a tiels q pleist a eux, leur fees issint receve del bountie le Roy, p rents & services come a eux semble bie. Et ceux Services sont tous p Littleton divide en deux sorts, *Chivalrie* & *Socage*; lu martial & militaire, le autre rural & rustical.

Chivalrie pur ceo est un Tenure per que le Tenant est lie a performer aucun noble ou militaire office a son Seignior; & est de deux sorts, ou Regal, cestascav, tiel que poit estre tenuz solement del Roy, ou tiel que poit auxy estre tenuz dun common person cybien come del Roy. Ceo que poit tener solement del Roy, est propremt appel *Servitium* ou *Sergeantia*, & est auxy aref divide en

Grand

Grand & Petit Serjeanty. *Grand Serjeanty* est ceo, ou hōe tient fies del Roy p ser-
 vice q il devoit faire en son
 pson demefne, come a porter
 le Banner le Roy ou son
 Lance, ou de amefner son
 Hoast, ou destre son Marshal,
 ou a ventier un Cornu quant
 il veit ses enemies invade le
 Tfe, ou de trover un hōe ar-
 ray de pugñ deins le quater
 meres, ou d faire ceo luy m,
 ou d poir l'Espee le Roy de-
 vāt luy a son Coronario, ou a
 eel jour destř sō Sewer, Car-
 ver, Butler, ou Chamberlain.

Petit Serjeanty est, ou un
 hōe tient frē del Roy d ren-
 der a luy annuēlmt ū Arc, ū
 Espee, ū Dagger, ū Cuttel, ū
 Launce, ū paire de Gants de
 ferre, ū paire de Spors d'ore,
 ou de rendet auters tiels petit
 choses touchant le Guerre.

Chivalrie q poit tenē d'un
 common pson cybien cōe del
 Roy est appel *Escuage*, *Ser-
 vitium scuti*; & cest ou un-
 certain, ou certain. *Escuage
 uncertain* est auxy de deux
 forts; primermt, ou le Te-
 nant per son Tenure est lie
 d'attender son Seignior alant
 ē pson al guerres le Roy en-
 vers ses enemies, ou luy
 mesme, ou mitter ū sufficient
 home en son lieu, la destre
 maintain a ses costs tants des
 jours cōe fueront agree penf
 le Sñr & son primer Tenāt al
 grant del Fee. Et les jours
 d tiel service semble destř a-

Grand and Petit Serjeanty. *Grand
 Serjeanty* is that, where a man
 holds lands of the King by ser-
 vice which he ought to doe in
 his own person, as to carry the
 King's Banner or his Spear,
 to lead his Army, to be his
 Marshal, to blow a Horn
 when he sees his enemies in-
 vade the Land, or to find an
 armed man to fight within the
 four seas, or to doe it himself,
 or to carry the King's Sword
 before him at his Coronation,
 or at that day to be his Sewer,
 Carver, Butler, or Cham-
 berlain.

Petit Serjeanty is, where a
 man holds land of the King to
 pay him yearly a Bow, a
 Sword, a Dagger, a Knife, a
 Spear, a pair of Gloves of
 maille, a pair of Spurs of gold,
 or to give such other small
 things concerning the War.

Chivalrie that may hold of a
 common person as well as of
 the King is called *Escuage*, Ser-
 vice of the shield; and this is ei-
 ther uncertain, or certain. *Escu-
 age uncertain* is also of two
 kinds; first, where the Te-
 nant by his Tenure is bound to
 follow his Lord going in per-
 son to the King's wars against
 his enemies, either himself, or
 to send a sufficient man in his
 place, there to be maintained at
 his costs so many days as were
 agreed upon between the Lord
 and his Tenant at the granting
 of the Fee. And the days of
 such service seem to have been var-

ted by the quantity of the land so held: As if it extends to a whole Knight's fee, then the Tenant was bound so to attend his Lord 40 days; and a Knight's fee was so much land as in those days was accounted a sufficient living for a Knight, and this was 680 acres, by the opinion of some, or eight hundred, as others think, or fifteen pounds by the year. *Cambden's Brit. fol. 110.* If the land extends but to the moiety of a Knight's fee, then the Tenant is bound to follow his Lord but 20 days; if a fourth part, then 10 days, *Fitzh. Nat. Brev. fol. 83. c. & 84. c. c.* The other kind of Escuage uncertain is called Castle-ward, where the Tenant by his land is bound, either by himself or some officer, to defend a Castle as often as it shall come to his turn.

Escuage certain is, where the Tenant is assessed to a certain summe of money to be paid in stead of such uncertain service; as that a man shall pay yearly for a Knight's fee 20 shillings, for the half 10 shillings, or any such rate. And this Service, because it is drawn to a certain rent, comes to be of a mixt nature, not merely Socage, for it smells not of the Plow; and yet Socage in effect, being now neither personal service, nor uncertain. Chivalry hath other conditions annexed thereto; as Homage, fealty, Wardship, Relief, and

seffe p le quantity del frē is-
sint tenus: Cōe si ceo extend
à un entier Fee de Chivaler,
donq le Tenant fuit liē issint
d'attendre son Sñr 40 jours;
& un Fee de Chivaler fuit
tant de frē come ē ceux jours
fuit accout un sufficient vi-
ver p un Chivaler, & ceo fuit
680 acres. p l'opinion d'asc',
ou 800 come auts semblont,
ou 15 livens p l'an. *Cambden
Brit. fol. 110.* Si le frē ex-
tende forsq al moietie d'un
Fee de Chivaler, donq le Te-
nant est liē d'attend son Sñr
mes 20 jours; si a ū quart p;
donq 10 jours. *Fitzh. Nat.
Brev. fol. 83. c. & 84 c. c.* Laue
kind d'Escuage uncertain est
appel *Castle-guard*, ou le Te-
nat p son frē est hē, ou p luy
mesme ou p asc' aut, a defend-
er ū Castle si tost cōe aveña
a son course.

Escuage certain est, ou le
Tenat est assesse a ū certain
sum d'argēt destre payē ē lieu
de tiel uncertain service;
cōe q un hōe payera annual-
mt p un Fee d' Chivaler 20 s.
p le moietie 10 s. ou asc' tiel
rate. Et cest Service, p ceo q
est trahē a un certain rent,
vient destre d'un mixt na-
ture, nient meerm Socage;
car ne olet pas del Caruē; &
uncore Socage ē effect, esteāt
jammes neq psonal service;
neque uncertain. Chivalrie
ad auters conditions annēxe
a ceo; come Homage, Feal-
tie, Gardship; Reliefe, &
Mar-

Marriage, *Bract. l. 2. c. 35.* & q̄ ils signifie, veies ē lour several lieux, Chivalrie est ou ge- re a^l, ou special, *Dyer fo. 161. pl. 47.* General semble destī, ou est solēnt dit ē le Feoff- mēt, q̄ le Tenant tient p *Ser- vitium militare*, sans asc^l spe- cification d^l Sergeantie, Escu- age, &c. Special est ceo q̄ en declare particulānt p quel kind de service de Chivalrie il tient. Veies le Statute 12 Car. 2. c. 24.

Marriage, *Bract. l. 2. c. 35.* and what they signifie see in their se- veral places. Chivalry is ei- ther general, or special, *Dyer fol. 161. plac. 47.* General seems to be, where it is onely said in the Feoffment, that the Tenant holds by Knight's Service, without any specification of Sergeanty, Escuage, &c. Spe- cial is that which is decla- red particularly what kind of Knight's service he holds by. See the Statute 12 Car. 2. c. 24.

Chose en Action.

Thing in Action.

Chose en Action c^l, quant ū home ad cause, ou poit porter un Action p asc^l duty due a luy; cōe ū Action de Debt sur ū Obligation, An- nuitie, ou Rent, Action de Covenant, ou Gard, Trespas des biens import, Battery, ou tiels semblables: & p ceo q̄ ils sont choses d^l queux ū hoē nest possesse, mes p recoverie d^l eux est mis a son Action, ils sont appellez Choses en Acti- on. Et ceux Choses en Action q̄ sont certain, le Roy poit graunt, & le Graunte poit user un Action p eux en son noīme demesne solēnt: Mes ū comōn pson ne poit graunt son Chose en Action, ne Roy luy m son Chose en Action, quel est uncertain, cōe Tres- passe, & tiels semblables.

Thing in Action is, when a man hath cause, or may bring an Action for some duty due to him; as an Action of Debt upon an Obligation, An- nuity, or Rent, Action of Cove- nant, or Ward, Trespasse of goods taken away, Beating, or such like: and because they are things whereof a man is not possessed, but for recovery of them is given to his Action, they are called Things in Action. And those Things in Action that are cer- tain, the King may grant, and the Grantee may have an Acti- on for them in his own name onely: But a common person cannot grant his Thing in Action, nor the King himselfe his Thing in Action, which is uncertain, as Trespasse, and such like.

Churcheslet.

Churcheslet is a word where-
of Flet. l. i. c. 47. in the end
thus writes : It signifies a cer-
tain Measure of wheat, which in
times past every man on S. Martin's
day gave to Holy Church, as well
in the time of the Britains as of the
English. Yet many great persons,
after the coming of the Romans,
gave that Contribution, according
to the ancient Law of Moses, in
the name of First-fruits, as in
the Writ of King Kanutus sent un-
to the Pope is contained; in
which they call that Contributi-
on *Chirchsed*, as one would say,
Church-feed.

Church-wardens.

Church-wardens are Officers
yearly chosen by the con-
sent of the Minister and the
Parishioners, according to the
custom of every several place, to
see to the Church, Church-yard,
and such things as belong to
both, and to observe the beha-
viour of the Parishioners, for
such crimes as appertain to the
jurisdiction or censure of the Ec-
clesiastical Court. These are
a kind of Corporation, and are
enabled by Law to sue for a-
ny thing belonging to their
Church, or the Poor of the Pa-
rish. See Lambert's Duty of
Church-wardens.

Churcheffet.

Churcheslet est ū parol de
q̄ Flet. l. 2. c. 47. ē le fine
issint escrie : *Certam Mensu-
ram bladi tritici significat, quā
quilibet olim Sanctæ Ecclesiæ
dic S. Martini, tempore tam
Britonum quā Anglorum,
contribuerunt. Plures tamen
Magnates, post Romanorum
adventum, illā Contributionem,
secundū vet. Legem Moysi,
nomine Primitiarum dabant,
prout in Breui Regis Kanuti
ad summum Pontificem trans-
misso continetur; in quo illam
Contributionem Chirchsed ap-
pellant, quasi Semen Ecclesiæ.*

Gardians d'Esglise.

Gardians d'Esglise sont
Officers annualint elect
p le consent del Minister &
les Parochians, accordant al
custome d' chesc' several lieu,
a veier al Esglise, Cemirer, &
tiels choses queux appent al
ambideux, & d'observer le
gesture des Parochians, p tiels
crimes q̄ appertain al juris-
diction ou censure del Court
Ecclesiastical. Ceux sont un
kind d' Corporation, & sont
enable p Ley de suer p ascun
chose apperteignant a leur
Esglise, ou les Povers del Pa-
roche. Veies Lambert del Du-
tie des Gardians del Esglise.

Cinque Ports.

C*inque Ports* sont cinque Haven-villes, cestàscavoir, *Hastings, Romney, Hyth, Dover, & Sandwich*, a queux ad este grant long temps passé mult Liberties (q̄ auts Port-villes nont,) & ceo primerunt en le temps del Roy *Edouart* appelle Confessor; & fuef encrease apres, & ceo especialmt en les jours del troys *Edouarts*, le prim, secod, & le tierce, cōe appiert ē le livre d̄ *Dooms-day*, & auſ vieux Mōnumēts, trop longe d̄ recite.

Circuitie de Action.

C*ircuitie de Action* est, quant ū Action est droitālmt port p̄ un Dutie, mes uncore circum le bush, come semble, p̄ ceo q̄ ceo poet cibiē estre autermt respondue & determine, & le Suit save: & p̄ ceo q̄ meſme l'Action fuit plus q̄ besoigne, il est appelle *Circuitie de Action*. Come si ū home grant un Rent-charge de x. li. hors de son Manor d̄ *Dale*, & apres le Grantee disseist le Grantor de meſme le Manor, & il port un Assise, & recover le ēre & xx. li. damages, le quel xx. li. esteant pay, le Grantee del Rent sue son Action p̄ x. li. d̄ son Rent due durāt le tēps d̄ le Disseisin, le q̄ si null Disseisin ad este il doit aver ewe: Cest ap-

Cinque Ports.

C*inque Ports* are five Haven-towns, that is, *Hastings, Romney, Hythe, Dover, and Sandwich*, to which have been granted long time since many Liberties (which other Port-towns have not,) and that first in the time of King Edward the Confessor; which have been increased since, and that chiefly in the days of the three Edwards, the first, the second, and third, as appears in *Dooms-day book*, and other old Monuments, too long to recite.

Circuitie of Action.

C*ircuitie of Action* is, when an Action is rightfully brought for a Duty, but yet about the bush, as it were, for that it might as well have been otherwise answered and determined, and the Suit saved: and because the same Action was more then needful, it is called *Circuitie of Action*. As if a man grant a Rent-charge of x. li. out of his Manor of *Dale*, and after the Grantee disseises the Grantor of the same Manor, and he brings an Assise, and recovers the land, and xx. li. damages, which xx. li. being paid, the Grantor of the Rent sues his Action for x. li. of his Rent due during the time of the Disseisin, which if no Disseisin had been he must have had: This is called

led Circuitry of Action, because it might have been more shortly answered; for whereas the Grantor shall receive xx. li. damages, and pay x. li. Rent, he might have received but the x. li. onely for the damages, and the Grantee might have cut off and kept back the other x. li. in his hands, by way of detainer for his Rent, and so thereby might have saved his Action.

pel Circuitie de Action, p' ceo q' il poit aver este plus briefment respondue; car lou le Grantor doit receive xx. li. damages, & pay x. li. Rent, il puit aver receive fors q' le x. li. soleint p' les damages, & le Grantee puit aver recoup. & retaine are e le auē x. li. e ses maines p' voy de deteiner pur son Rent, & issint p' yeel poet aver save son Action,

Circumstantibus.

Circumstantibus.

Circumstantibus is a word of Art, signifying the Supply and making up of the number of Jurors, if any impannelled do not appear, or are challenged by either party, by adding to them as many others of those that are present and standers by. *See* 35 H.8.c.6. & 5 El.c.25.

Circumstantibus est u' parol d'Art, expr. flant le Supply & addition del nombre d' Jurors, si asc' impa. el ne appearot pas, ou sont challenge p' asc' prie, p' adding a eux cy plusors auters de eux q' sont p'sent & circumstantes. Veies 35 H.8.c.6. & 5 El.c.25.

City.

City.

City is such a Town corporate as hath a Bishop and a Cathedral Church, whereof such words are found: The same place is called *urbs*, *Civitas*, and *Oppidum*. It is called *Civitas*, in regard it is governed in justice and order of Magistracy; *Oppidum*, for that there are therein great plenty of Inhabitants; and *urbs*, because it is in due form begirt about with Walls. But that place is commonly called *Civitas* which hath a Bishop. Yet Crompton in his Jurisdictions reckons up all the Cities, and leaves out Ely,

City est tiel Ville corporate q' ad un Eveſq' & un Eglise Cathedral, & d' c' tiels parols sont trove: Idem locus *Urbs*, *Civitas*, & *Oppidum* appellatur. *Civitas* enim dicitur, quatenus cum iustitia & Magistratum ordine gubernatur; *Oppidum*, quatenus est ibi copia Incolarum; & *Urbs*, quatenus Muris debito modo cingitur. Proprie autem dicitur *Civitas* que habet Episcopum. Uncore Crompton en son Jurisdiction mention tous les Cities, & omit Ely,

nient obstant q̄ ad un Evesq̄ & un Esglise Cathedral, & mitra eins *Westminster*, nient obstant que jammes nad ascū Evesq̄. Et 35 *El.c.6. Westminster* est appel ū Citie: & Anno 27 *ejusd.c.5.* (d Statutes nient imprime) *Westminster* est equalmēt appel ū Citie ou Borough. Il appiert p l' *Stat. 35 H.8 c.10.* q̄ donqs la fuit ū Evesq̄ d̄ *Westm'. Cassaneus* escrie, q̄ France ad deins les Teritories 104 Cities, & il rend c' reason, p̄ ceo q̄ la sont cy plusors Sees d̄ Archieuesq̄s & Evesq̄s.

although it hath a Bishop and a Cathedral Church, and puts in Westminster, notwithstanding it now hath no Bishop. And 35 *El.c.6.* Westminster is called a City: and Anno 27 *ejusd.c.5.* (of Statutes not printed) Westminster is alternatively called a City or Borough. It appears by the *Stat. 35 H.8.c.10.* that then there was a Bishop of Westm'. Cassaneus writes, that France hath within its Territories 104 Cities, and gives this reason, because there are so many Sees of Archbishops and Bishops.

Clack.

Clack, sicome a clacker, *forcer, & bard* lane, 8 *H. 6.c.22.* De q̄ le prim, viz. de *Clacker* lane, est, d̄ scinder les marks des Barbits, q̄ fait ceo destre d̄ meind poys, & ilint d̄ payer le meind Custom al Roy: De *Forcer* lane est, de clip p̄ le ouster & puis crineous part d̄ ceo: De *Bard* ou *beard* lane est, d̄ scind l' teste & colle del auf p̄ del Toiſo.

Claine.

Claine est un Challenge p̄ ascū home de le p̄prie ou ownership de ū chose que il nad en possession, mes est deceigne de luy tortiousment: & le party que ilint fait son Claine p̄ndra p̄ ceo un grand advantage; car en ascun cases il poit per ceo

Clack.

Clack, as to clack, force, and *bard* wooll, 8 *H. 6. c. 22.* Whereof the first, viz. to *Clack* wooll, is, to cut off the mark of the Sheep, which makes it to weigh lesse, and so to pay the lesse Custom to the King: To *Force* wooll is, to clip the upper and most hairy part of it: To *Bard* or *beard* wooll is, to cut the head and neck from the other part of the fleece.

Claim.

Claim is a Challenge by any man of the property or ownership of a thing which he hath not in possession, but is withholden from him wrongfully: and the party that so makes this Claim shall have thereby a great advantage; for by it, in some cases, he may avoid

avoid a Discent of lands; and by it, in other cases, he may save his Title, which otherwise should be lost. As if a man be disseised, and the Disseisee makes Continual claim; that is, if he claim the lands whereof he is disseised within the year and day before the death of the Disseisor, then may he enter, notwithstanding the Discent.

Also, if a Fine be levied of another man's land, then he that hath right thereunto ought to make his Claim within five years after the Proclamation had, made, or certified, by the Statute of 4 H. 7. cap. 24. But a stranger that hath no right cannot of his own head enter, or make Claim in the name of him that hath right to avoid the Fine within the five years, without commandment precedent or assent subsequent: yet Guardian for education, or in Socage, may enter or make Claim in the name of the Infant that hath right to enter or make Claim; and this shall help the estate of the Infant, without commandment or assent, for there is prohibition between them.

Clergie.

Clergie is taken divers ways; sometimes for the whole number of Religious men, sometimes for a Plea to an Indictment or Appcal; and is

avoider ū Discent d' terres; & en aucun cas il per ceo savera son Title, que auſment serroit perde. Come si home soit disseisee, & le Disseisee fait Continual claim, cest adire, sil clamer les terres dont il est disseisee deins le an & jour devant le mort le Disseisor, donque poit il enter, nient obstant le Discent.

Auxy si Fine soit levie del terre a un autre home, donq cestuy que ad droit a ceo doit faire son Claime deins cinque ans apres le Proclamation ad, fait, ou certifie, per l' Statute de 4 H. 7. c. 24. Mes un estrangeur que nul droit ad ne poit de son teste demesne enter, ou faire Claim en le nom de cestuy q droit ad de avoider le Fine deins les cinque ans, sans comendement precedent ou assent subsequent: uncore Guardian p nurture, ou en Socage, poit enter ou faire Claim en le nomme del Enfant que ad droit de enter ou faire Claime; & c' aydera le estate del Enfant, sans aucun comendement ou assent, car la est privie entre eux.

Clergie.

Clergie est prise divers voyes; aucun foits p tout le nombre de homes de Religion, asc' foits p un Plee a un Indictment ou Appeale; & est

define destre un ancien Liberty de Eglise, confirmé en divers Parliamts. Et est, quant un home est arraigné de Felony, ou tiels semblables, devant un tempozal Judge, &c. & le prisonnier pria s^r Clergie, cest adir, p^r aver s^r Livre, q^l est ancien temps fuit autant si come il ust prie destre dismissé del tempozal Judge, & destre deliver al Ordinarie de purger luy mesm de m^e offence. Et donques le Judge comander le Ordinar^e de trier s'il poit lier come uⁿ Clerk, en tiel Livre & lieu come le Judge assignera. Et si le Ordinary certifie le Judge q^{il} poit, donq^s le prisonnier navera judgement de p^{er}dre s^{on} vie. Mes cest Libertie de Clergie est restraine p^{ar} les Stat. de 8 El. cap. 4. an. 14. ejusd. cap. 5. an. 18 ejusd. cap. 4. 6. 7. & 23 ejusd. c. 2. & 29 ejusd. c. 2. & 31 ejusd. c. 12. & 39 ejusd. cap. 9. & 15. Veies Crompt. Justice de Peace, fol. 102, &c. & Stat. li. 2. c. 41. & Stat. de 18 Eliz. cap. 7. p^{ar} que Clerks ne sont destre deliv^{er} a leur Ordinaries destre purg^{ez}, mes jamez chetive, comt niér deins Orders, est mis a lier al Bar^r, esteant trove culpable, & c^{on}vict d^e tiel Felony, p^{ar} q^u cest benefice est uⁿc^{or}e gr^{at}, & issint arle en le maine, & enlarge p^{ar} le primer t^{em}p^s, si l^e Commissary ou Deputy del Ordinar^e dit, *Legit ut Clericus* ou autrement il souffre mort pur son peche.

defined to be an ancient Liberty of the Church, confirmed in divers Parliaments. And it is, when a man is arraigned of Felony, or such like, before a tempozal Judge, &c. and the prisoner prays his Clergie, that is, to have his Book, which in ancient time was as much as if he desired to be dismissed from the tempozal Judge, and to be delivered to the Ordinary to purge himself of the same offence. And then the Judge shall command the Ordinary to try if he can read as a Clerk, in such a Book and place as the Judge shall appoint. And if the Ordinary certifie the Judge that he can, then the prisoner shall not have judgement to lose his life. But this Liberty of the Clergie is restrained by the Statute of 8 El. c. 4. an. 14 ejusd. c. 5. an. 18 ejusd. c. 4, 6, 7. & 23 ejusd. cap. 2. & 29 ejusd. cap. 2. & 31 ejusd. cap. 12. & 39 ejusd. cap. 9, & 15. See Crompt. lust. of Peace, fo. 102, &c. and Stat. lib. 2. cap. 41. and the Stat. of 18 Eliz. cap. 7. by which Clerks are not to be delivered to their Ordinaries to be purged, but now every man, though not within Orders, is put to read at the Bar, being found guilty, and convicted of such Felony, for which this benefice is still granted, & so burned in the hand, and set fr^{om} the first time, if the Ordinary's Commissary or Deputy saith He readeth as a Clerk; or otherwise he suffers death for his transgression.

Clerk.

Clerk.

Clerk.

CLerk hath two significati-
ons, one as it is the title of
him that belongs to the holy
Ministry of the Church, that
is, in these days, either Mini-
ster or Deacon of what other de-
gree or dignity soever; although
that in ancient time not onely
Sacerdotes and Diaconi, but also
Subdiaconi, Cantores, Acoluthi, Ex-
orcistæ and Ostiarii were within
this account, as they are at this
day where the Canon law hath
full power. And in this signi-
fication a Clerk is either Reli-
gious, (otherwise called Regu-
lar) or Secular. 4 H. 4. cap. 12.

The other signification of this
word denotes such as by their
function or course of life use their
pen in any Court, or otherwise;
as namely the Clerk of the
Rolls of Parliament, Clerks
of the Chancery, and such like.

Clerico admittendo.

Clerico admittendo.

CLerico admittendo is a Writ
directed to the Bishop for the
admitting a Clerk to a Bene-
fice, upon a Ne admittas tried and
found for the party that pro-
cures the Writ. Reg. orig. fo. 31.

CLerico admittendo est un
Brief direct al Eveq̃ p
l' admittance d' un Clerk a
un Benefice, sur un Ne admit-
tas trie & found p le p̃y q̃
p̃cure le Brief. Reg. orig. f. 31.

Clerk attaint.

Clerk attaint.

CLerk attaint is he who prays
his Clergy after judgement
given upon him of the Felony,
and hath his Clergy allowed;
such a Clerk might not make
his Purgation.

CLerk attaint est celuy q̃
p̃ra sen Clergie apres
judgment sur luy done de Fe-
lony, & ad son Clergie al-
low; tiel Clerk ne poit faire
son Purgation. Clerk

Clerk convict.

Clerk convict est celuy qⁱ pria son Clergie devant judg^{mt} done sur luy d^e lefelony, & ad le Clergie grant; tiel Clerk puit faire son Purgation. Nota, qⁱ cel Purgatio fuit fait quant il fuit dismisſe al Ordinarie, la destre trie del enquest del Clerks: & pur ceo ore p le Stat. 18 Eliz. cap. 7. nul tiel est misſe al Ordinarie.

Cloſh.

Cloſh ou cloſſe est u illoyal Game prohibit p le Stat^{ut} fait en l'an 17 E. 4. c. 3. & est inhibit au^x p le Statute d^e 33 H. 8. c. 9. Mes icy est plus ppermt appel *Clash*; car est le mitter dun Bouie as neuf Espingles d^e boys, ou neuſe ſhank-bones d'un beefe ou chival: & est ore uſualmt appel *Kailes*, ou *Nine-pins*.

Coadjutor.

Coadjutor al Diſſeiſin est celuy qⁱ ove auſ diſſeiſe un de ſon Franktene^{mt} al uſe d^e l'auſ, & il ſer^a punie come u Diſſeiſor; mes il neſt tiel Diſſeiſor que gaine le Franktene^{mt}, mes le Franktene^{mt} veſt & est tout en celuy a qⁱ uſe le Diſſeiſin fuiſt comit, cōe appiert e Littleton l. 3. c. 3. de *Joyn tenants*.

Clerk convict.

Clerk convict is he who prays his Clergie before judgment given upon him of the felony, and hath his Clergie granted; ſuch a Clerk might make his Purgation. Note, that this Purgation was made when he was diſmiſſed to the Ordinary, there to be tried by the enquest of Clerks: and therefore now by the Stat. of 18 Eliz. cap. 7. no ſuch is put to the Ordinary.

Cloſh.

Cloſh is an unlawfull Game forbidden by the Statute made in the 17 year of E. 4. cap. 3. and it is inhibited alſo by the Statute of 33 H. 8. cap. 9. But there it is more properly called Clash; for it is the throwing of a Bowl at nine Pins of wood, or nine ſhank-bones of an ox or horſe: and it is now ordinarily called *Kailes*, or *Nine-pins*.

Coadjutor.

Coadjutor to the Diſſeiſin is he who with another diſſeiſes one of his freehold to the uſe of the other, and he ſhall be puniſhed as a Diſſeiſor; but he is not ſuch a Diſſeiſor who gains the freehold, but the freehold veſts and is wholly in him to whole uſe the Diſſeiſin was committed, as appears in Littleton, l. 3. cap. 3. of *Joyn tenants*.

Cocker.

Cocket.

Cocket is a Seal pertaining to the King's Custome-house, and it signifies also a Scrowl of parchment, sealed and delivered by the Officers of the Custome-house to Merchants, as a Warrant that their merchandize are customed. This word is used in the old Statutes now expired, of 14 E. 3. Stat. 1. cap. 21. & 11 H. 6. cap. 16.

Cocket.

Cocket est un Seal q' appartient al Custoe-house le Roy, & signifie auxy un Escrowle del parchment, seale & deliver p les Officers del Custome-house as Merchants, come ū Garrant q' leur merchandizes sont customes. Cest pol est use é les vieux Stat. ore expires, faits 14 E. 3. Stat. 1. c. 21. & 11 H. 6. cap. 16.

Codicill.

Codicill.

Codicill is the will or Testament of a man concerning that which he would have done after his death without the appointing of an Executor. Or it is an addition or supplement added unto a will or Testament after the finishing of it, for the supply of something which the Testator had forgotten, or to help some defect in the will. Of this you may reade more in Swinbourn's Wills and Testaments, part. 1. Sect. 5. num. 2, 3, &c.

Codicill est le Volunt ou Testamēt dun home touchāt c' que il voit aver destré fait apres son mort sās l' nomination dasc' Executor. Ou autermt il est un addition ou supplement adde al ū Volunt ou Testamēt apres le finier de ceo, p le supply dasc' chose que le Testator ad oblie, ou p ayder asc' defect en le Testament. De ceo poyes lier plus en Swinbourne des Volunts & Testaments, part. 1. Sect. 5. num. 2, 3, &c.

Coin.

Coigne.

Coin is a word collective, which contains in it all manner of the several stamps & pourtraitures of Money. And this is one of the Royal Prerogatives belonging to every Prince, that he alone in his own Dominions may order & dispose the qualitie,

Coigne est ū pol collective, q' cōtaine é c' tous maners del severall stāps & portraitures de Numm. Et c'est ū des Royaux Prerogatives appartenāt a chesc' Prince, q' il solemt é ses fres demesñ poit order & dispose le qualitie, quan-

quantity, & fashions de son Coigne. Et cōst q̄ c' est le nerve d̄ tout merchandise & commerce, uncore le Coigne d'un Roy nest currant ē les Royalms d'un aut Roy, cōmunement, sinon al grand perde.

Si home oblige luy mesme d̄ render cent livres de loyal Coigne d'*Angleterre* a un autre, & al jour d̄ paym̄t ascun d'argent happa dest̄ Coigne d'*Espaigne* ou de *Francois*, ore l'Obligation est bien performe, si p̄ Proclamation ils sont faits currant mony d'*Angleterre*. Car le Roy per son absolute Prerogative poit faire ascun foreign Coigne loyal Coigne d'*Angleterre* a son pleasure p̄ son Proclamation. En case ou home est de pay Rent a son Lessor sur condition de Re-entry, & le Lessee paya le Rent a son Lessor, & il ceo receive, & mitta c' en son burs̄e, & puis en reviewant de ceo a mesme le temps il trova q̄ il ad receive asc' counterfeit peeces, & sur ceo il refuse d'empore les Deniers, mes re-enter pur le Condition enfrein̄t; ore son Entry nest loyal, car quant il ad except les Deniers, ceo fuit a son peril, & puis cest allowance il ne prendra exception al ascun de eux.

quantity, and fashions of his Coin. And though this is the sinew of all traffick and commerce, yet the Coin of one King is not currant in the Realms of another King, commonly, unlesse at great losse.

If a man binds himself to pay an hundred pounds of lawful Money of England to another, and at the day of payment some of the money chanceth to be Spanish or French Coin, there the Obligation is well performed, if those Coins are by Proclamation made currant money of England: For the King by his absolute Prerogative may make any foreign Coin lawful money of England at his pleasure by his Proclamation. In case where a man is to pay Rent to his Lessor, upon condition of Re-entry, and the Lessee pays the Rent to the Lessor, and he receives it, and puts it in his purse, and afterwards upon review of it at the same time he finds that he hath received some counterfeit pieces, and thereupon refuses to take away the Money, but re-enters for the Condition broken; there his Entry is not lawful, for when he hath accepted the Money, this was at his peril, and after this allowance he shall not take exception to any of it.

Collateral.

Collateral.

Collateral is that which comes in, or adheres to the side of any thing; as Collateral Assurance is that which is made over and beside the Deed it self: for example, if a man covenants with another, and enters Bond for the performance, the Bond is called Collateral Assurance, because it is external, and without the nature and essence of the Covenant. And Crompton, fol. 185. saith, that to be subject to feeding the King's Deer is collateral to the soil within the Forest. In like manner we may say, that the liberty to pitch Sheds or Standings for a Fair in the soil of another man is collateral to the land. The private Woods of a common person within the Forest cannot be cut down without the King's licence, for it is a Prerogative collateral to the soil. Man. part 1. pag. 66. Collateral Warranty; See tit. Warranty.

Collateral est ceo q̄ vient cins, ou adhere al latef d'un chose; come Collateral Assurance est ceo q̄ est fait ouster & p̄ter le Fait mesme: Pur exemple, si home covenant ove un auter, & luy oblige p̄ le performance, l'Obligatiō est appel Collateral Assurance, p̄ ceo q̄ est external, & sans le nature & essence del Covenant. Et Crompton, fol. 185. dit, q̄ destre subject al depasturing des Dames le Roy est collateral al soyle deins le Forest. En mesme le mañer poymus nous dire, q̄ libertie a pitcher Sheds ou Stalls pur un Faire ē le soile d'un aut home est collateral al fre. Le private Bois d'un comon p̄son deins le Forest ne poit estre succide sans le licence del Roy, car il est un Prerogative collateral al soile. Man. part 1. pag. 66. Collateral Garrantie; Veies tit. Garranty.

Collation.

Collation.

Collation is properly the bestowing of a Benefice by the Bishop, that hath it in his own Gift or Patronage; and differs from Institution in this, for that Institution into a Benefice is performed by the Bishop at the motion and Presentation of another, who is Pa-

Collation est p̄perment le Donation d'un Benefice p̄ l'Evesque, q̄ ceo ad en son Done ou Patronage demesñ; & differt de Institution en ceo, pur ceo que Institution en un Benefice est performe p̄ l'Evesque al motion & Presentation d'un aut, q̄ est Patron

tron de mesme Esglise, ou ad le droit del Patron p hac vice : Uncore Collation est use p Presentation en 25 E. 3. Stat. 6. & la est un Brief e le Regist. 31. b. appel *De Collatione facta uni post mortem alterius, &c.* direct al Justices del Common Bank, eux commandant a directer leur Bre al Evêsq, p l'admittance d'un Clerk en le lieu d'un autre p'sent p le Roy, q devant le Suit perenter le Roy & le Clerk del Evêque morust ; ear judgement un foirs passe p le Clerk le Roy, & il morant devant q il soit admit, le Roy poit done son Presentation al un autre.

tron of the same Church, or hath the Patron's right for that time : Yet Collation is used for Presentation in 25 E. 3. Stat. 6. and there is a Writ in the Regist. 31. b. called *De Collatione facta uni post mortem alterius, &c.* directed by the Justices of the Common Pleas, commanding them to direct their Writ to the Bishop, for the admitting a Clerk in the place of another presented by the King, who during the Suit between the King and the Bishop's Clerk deceased ; for judgment once passed for the King's Clerk, and he dying before he be admitted, the King may give his Presentation to another.

Collusion.

Collusion est, lou un Action cest port vers un autre per son agreement demesme, si le Plaintiff recover, tiel Recovery est dit *per Collusion*. Et en ascun cases le Collusion ferra inquire, come en un *Quare impedit*, & Affise, & tiels semblables, queux ascun Corporation ou Corps politique port envers aut, al entent d'aver le Tfe ou Advowson dont le Bre est port en Mortmain. Mes en Avowrie, ne en asc' Action psonal, le Collusion ne ferra enquire. Veies le Stat. de *Westm.* 2. c. 32. q done le *Quale jus* & enquire en tiel case.

Collusion.

Collusion is, where an Action is brought against another by his own agreement, if the Plaintiff recover, then such Recovery is called by Collusion. And in some cases the Collusion shall be enquired of, as in *Quare impedit*, and Affise, and such like, which any Corporation or Body politick brings against another, to the intent to have the Land or Advowson whereof the Writ is brought in Mortmain. But in Advowry, nor in any Action personal, the Collusion shall not be inquired. See the Stat. of *Westm.* 2. c. 32. which gives the *Quale jus* and enquire in such cases.

Colour.

Colour is a feigned matter, which the Defendant or Tenant uses in his barre when an Action of Trespasse or an Assise is brought against him, in which he gives the Demandant or Plaintiff a Shew at first sight that he hath good cause of Action, where in truth it is no just cause, but onely a Colour and face of a cause: and it is used to the intent that the determination of the Action should be by the Judges, and not by an ignorant Jury of twelve men. And therefore a Colour ought to be a matter in Law doubtful to the common people. As for example, A brings an Assise of land against B, and B saith he himself did let the same land to one C for term of life, and afterward did grant the Reversion to A the Demandant, and after C the Tenant for term of life died, after whose decease A the Demandant, claiming the Reversion by force of the Grant, (whereunto C the Tenant for life did never attune) entred, upon whom B entred, against whom A for that Entry brings this Assise, &c. This is a good Colour, because the common people think the land will passe by the Grant without Attornment, where indeed it will not passe, &c. Also in an Action of Trespasse Colour must be given, of which there are an infinite num-

Colour.

Colour est un fained matf, le quel le Defendant ou Tenant use en son barre quāt un Action de Trespasse ou un Assise est port envers luy, en le quel il done le Demandant ou Plaintiff un Shew prima facie q̄ il ad bone cause de Action, lou en veritie il nest just cause, mes tantsement un Colour & Visour d'un cause: & il est use al entent que le determination del Action doit estre p les Judges, & nemy p un ignorant Jurie de douze homes. Et p̄ ceo un Colour doit estre un matter en Ley difficult al lay gentes. Come p̄ example, A port un Assise d terre envers B, & B dit que il mesme lessé mesme le terre al un C p̄ terme de vie, & apres grant le Reversion al A le Demandant, & puis C Tenant p̄ terme de vie morust, apres que decease, A le Demandant, claimant le Reversion p force del Grant, (ou C le Tenant p̄ vie ne unques atourne) entra, sur q̄ B entra, envers que A pur mesme entrie port cest Assise, &c. Cest un bone Colour, p̄ ceo q̄ les lay gentes pensant q̄ le terre voile passe per le Grant sans Attornment, lou en fait il ne voile passe, &c.

Auxy ē un Action d Trespasse Colour doit estre done, & d'eux sont ū infinite number,

ber, un pur Example : En un Action de Trespasse pur prise de Avers del Plaintife, le Defendant dit, que devant le Plaintife riens avoit en eux, il mesme suit possesse de eux come de les proper biens, & eux deliver al A. B. pur eux rebailer a luy quando, &c. & A. B. eux dona al Plaintife, & le Plaintife supposant le property destre en A. B. al temps del don, prist eux, & le Defendant eux re-prist del Plaintife, sur que le Plaintife port l'Action : cest un bone Colours, & un bone Plea. Veies de ceo pluis en Doctor & Student, l.2.c.13.

Colours de Office.

Colours de Office est routs foits prist in malam partem, & signifie un act malement fait p le countenance d'un Office, & il port u dissimulant visage del droit del Office, lou le Office nest que vaile del fausxite, & le chose est ground sur vice, & le Office est come u shadow al ceo. Mes *ratione Officii*, & *virtute Officii*, sont prises routs foits in bonam partem, & lou le Office est le just cause del chose, & le chose est pursuant al Office. Plo. en Dice & Man. case, fol.64.a.

ber one for example: In an Action of Trespasse for taking away the Plaintiff's Beasts, the Defendant saith, that before the Plaintiff had any thing in them, he himself was possessed of them as of his proper goods, and delivered them to A.B. to deliver them to him again when, &c. and A.B. gave them unto the Plaintiff, and the Plaintiff supposing the property to be in A.B. at the time of the gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings an Action: that is a good Colour, and a good Plea. See more hereof in Doctor and Student, l.2.c.13.

Colour of Office.

Colour of Office is always taken in the worst part, and signifies an act evilly done by the countenance of an Office, and it bears a dissembling face of the right of the Office, whereas the Office is but a veil to the falshood, and the thing is grounded upon vice, and the Office is as a shadow to it. But by reason of the Office, and by virtue of the Office, are taken always in the best part, and where the Office is the just cause of the thing, and the thing is pursuing the Office. Plo. in Dice & Man. case, fol.64.a.

Combat.

Combat, in our ancient Law, was a formal Trial of a doubtful Cause or quarrel by the Sword or Bastons of two Champions. See Glanville l. 14. c. 7. Britton c. 22. and Dyer fol. 301. num. 41.

Commandment.

Commandment is taken in divers significations: sometimes for the Commandment of the King, when by his mere motion and from his own mouth he casts any man into prison, Scamf. Plac. Coron. fol. 72. or of the Justices: And this Commandment of the Justices is either absolute or ordinary. Absolute, as when upon their own authority, or wisdom and discretion, they commit any man to prison for a punishment. Ordinary is, when they commit one rather to be safely kept, then for punishment; and a man committed by such ordinary Commandment isailable, Plac. Cor. fol. 73. Commandment is again used for the offence of him that kills another man to transgress the Law, or to do any such thing as is contrary to the Law, as Murder, Theft, or such like, Bract. l. 3. tract. 2. c. 19: The Civilians call this Commandment, Angelus de ma-

Combat.

Combat, est nre antiq Ley, c'estoit un formal Trial d'un ambigieux Case ou controverse p l'Ense ou Bastons d deux Champions. Veies Glanville l. 14. c. 7. Britton c. 22. & Dyer fol. 301. num. 41.

Commandment.

Commandment est prise p divers significations: asc' foits p le Commandment le Roy, quāt p son mere motion & de son bouche demesne il jette asc' hōe ē prison, Scamf. Plac. Cor. fol. 72. ou des Justices: Et c' Commandmt des Justices est ou absolute, ou ordinarie. Absolute, sicome quant sur leur autoritie demesne, ou leur sapiēce & prudence, ils comittont asc' hōe a prison p ū punishmt. Ordinarie est, quant ils comittont un pluis destre-fasemt gard, q p punishmt; & hōe comit p tiel ordinarie Comandmt est mainpernable, Placit. Cor. fol. 73: Comandmt est use arere p l'offence d celuy q comand aut home d transgresser le Ley, ou d faire asc' tiel chose que est encounē le Ley, come Murder, Larcenie, ou tiels semblables, Bract. l. 3. tract. 2. c. 19: Les Civilians appel cest Commandmt, Angelus de ma-

Commandrie.

Commandrie fuit le nomme d'un Manor ou chief Messuage, ove q Tres ou Tenements fueront occupies preignont al Priorie d S. Johan de Jerusalem, tanque fueront done al Roy Henry le huit p Statute fait en l'an 32 de son reigne. Et cestuy q avoit le Governmt d asc' tiel Manor ou Messuage fuit appel le Commander, q navoit rien a faire ou disposer de ceo, fors q al use del Priorie, & d'aver solermt son sustenance de ceo solongue son degree, q fuit usualmt u Frere de mesme le Priorie, que eust este fait Chivaler en les guerres encontre Infidels; & fueront jades appel Knights de le Rhodes, ou Knights de Malta, de lieus ou leur grand Master inhabite. Veies le dit Statute, & le Statute intituled De Templariis, le decay des queux fuit grand encrease de cel Order. Et plusors de ceux Commandries sont e le Pais nommes le Temple.

Commendam.

Commendam est un Benefice q, esteant void, est commend al care d'asc' sufficient Clerk, destre supplie jesque il poit estre convenimnt pvide d' u Pastor. Et le voyer original de ceux Commendams

Commendrie.

Commandrie was the name of a Manor or chief Messuage, with which Lands or Tenements were used belonging to the late Priory of S. John of Jerusalem, untill they were given to King Henry the eighth by Statute made in the 32 year of his reign. And he who had the Government of any such Manor or House was called the Commander, who had nothing to doe to dispose of it, but to the use of the Priory, and to have only his sustenance from it according to his degree, which was usually a Brother of the same Priory, who had been made Knight in the wars against Infidels; and they were usually called Knights of the Rhodes, or Knights of Malta, of the places where their grand Master dwelt. See the said Statute, and the old Statute intituled De Templariis, whose decay was a great increase of this Order. And many of these Commendries are called in the Country by the name of Temples.

Commendam.

Commendam is a Benefice that, being void, is commended to the care of some sufficient Clerk, to be supplied untill it may be conveniently provided of a Pastor. And the original of these Commendams

was either evident profit, or necessity. He to whom the Church is commended hath the fruits and profits thereof onely for a certain time, and the nature of the Church is not changed thereby, but is as a thing deposited in the hands of him to whom it is commended, who hath nothing but the Custody thereof, which may be revoked.

Commissary.

Commissary is a title of Ecclesiastical Jurisdiction, appertaining to him that exercises Spiritual Jurisdiction in places of the Diocese so far distant from the chief City, that the Chancellor cannot call the Subjecs to the Bishop's principal Consistory without their great trouble. This Commissary is called by the Canonists *Commissarius*, or *Officialis foraneus*; and is ordained to this special end, that he should supply the Office and Jurisdiction of the Bishop in the out-places of the Diocese, or in such Parishes as are peculiar to the Bishop, and exempted from the Archdeacon's Jurisdiction: for where by prescription, or by composition, there are Archdeacons, who have Jurisdiction in their Archdeaconries, as in most places they have, there this Commissary is superfluous, and rather to the prejudice then good of the people.

fuit ou p cause de evident utilitie, ou necessite. Cestuy a q l'Esglise est commendé ad les fruits & profits de ceo seulement p un certain temps, & le nature del'Esglise nest alteré p ceo, mes est sicome un chole deposte en les maines de cestuy a q il est commendé, q nad forsque le Custody de ceo; que poit estre revoke.

Commissary.

Commissary est un nomme de Ecclesiastical Jurisdiction, appartenant a cestuy q exerce Jurisdiction Spiritual en lieux del Diocese de cy grand distance del principal City, q le Chancellor ne poit appeller les Subjects al chief Consistoire del Evêque sans leur grand molestation. Cest Commissarie est appelé par les Canonists *Commissarius*, ou *Officialis foraneus*; & est ordonné a cel special fine, q il executera l'Office & Jurisdiction del Evêq en les Boudaries del Diocese, ou en tiels Paroches q sont peculiars al Evêque, & exempt del Jurisdiction del Archdeacon: car ou p prescription, ou p composition, la sont Archdeacons q ont Jurisdiction en leur Archdeaconries, sicome en plusieurs lieux ils ont, la cest Commissarie est superfluous; & plus al detrimt q al bone des gens.

Commission.

Commission est tant en le Common Ley cō le parol Delegate & le Civil, & est prise p le Garrant ou Letters Patents q̄ tous homes, ayant jurisdiction, ou ordinaime ou extraordinarie, ont pur leur poyar d'oyer ou terminer asc̄ cause ou action. Uncore cest parol ascun foits extend plus largement q̄ al choses d'Judicature; sicome le Commission d'Purveyors ou Prisoners, 11 H. 4. c. 28. Mes ove cest Epitheton *Alt*, il est plus comunement use p le *Alt-Commission Court*, institute & foudue sur le Stat. de 1 Eliz. c. 1. p l'ordenance & reformation de tous offences en asc̄ chose appartenont al Jurisdiction Ecclesiastical, mes especialment tiels q̄ sont d'plus alt nature, ou al meins requir plus grand punisment q̄ ordinarie Jurisdiction poit afford. Veies les Stat. 17 Car. 1. c. 11. & 13 Car. 2. c. 12. p q̄ l'avantdit Court est p tout abolie.

Commission de Rebellion.

Commission de Rebellion, autrement appel *un Brief de Rebellion*, est use quant ū hōe apres Proclamation fait p le Viscount, sur ū Ord̄ ou Proses del Chancerie, south penaltie d'ū Allegēce a p̄sent luy mesme al Court p ū jour

Commission.

Commission is as much in the Common Law as the word Delegate in the Civil, and is taken for the Warrant or Letters Patentes which all men, using Jurisdiction, either ordinary or extraordinary, have for their power to hear or determine any matter or action. Yet this word sometimes extends more largely then to matters of Judgment; as the Commission of Purveyors or Takers, 11 H. 4. c. 28. But with this Epithete High, it is most commonly used for the High-Commission Court, instituted and founded upon the Stat. of 1 Eliz. c. 1. for the ordering and reforming of all offences in any thing appertaining to the Jurisdiction Ecclesiastical, but especially such as are of highest nature, or at least require greater punishment then the ordinary Jurisdiction can afford. See the Statutes 17 Car. 1. c. 11. and 13 Car. 2. c. 12. by which the said Court is wholly abolished.

Commission of Rebellion.

Commission of Rebellion, otherwise called A Writ of Rebellion, is used when a man after Proclamation made by the Sheriff upon an Order or Process of the Chancery, under penalty of Allegiance to present himself to the Court by a day

certain, appears not. And this Commission is directed by way of command to certain persons, to the end they or three, two, or one of them, shall apprehend or cause to be apprehended the party, as a Rebel, and contemner of the King's Laws, in what place soever they shall find him within the Kingdom, and bring or cause him to be brought to the Court upon a day therein assigned.

Committee.

A Committee is he or they to whom the consideration or ordering of any matter is referred either by some Court, or consent of the parties to whom it appertains: as in Parliament, a Bill being read, is either consented unto and passed, or denied, and referred to the consideration of some certain men appointed by the House, who hereupon are called a Committee. But this word is otherwise used by Kitchen, fol. 160. where the widow of the King's Tenant is called the Committee of the King, that is, one committed by the ancient Law of the Land to the King's care and protection.

Common.

Common is the right that a man hath to put his Beasts to Pasture, or to use the ground that is not his own.

certains, ne appiert pas: Et cest Commission est direct par voy de command a certain persons, a fine que ils, ou trois, deux, ou un de eux, apprehendont ou causont desre apprehend le partie, come un Rebel & contemner des loys le Roy, en quelcunq lieu qu'ilz lay troveront deins le Royaume, & de prestent luy ou luy cause desre present al Court sur un jour en ceo assigne.

Committee.

Committee est cestuy, ou Cils a q le consideration ou ordinance d'alc chose est refer, ou p alcun Court, ou consent des parties a que il appertient: sicome en Parlemt un Bill esteant liey est ou admit & pas, ou denie, ou refer al consideration d'alc chose. Cels hoies appoint p le Meason, les queux sur ceo sont appellez un Committee. Mes cest parol est autrement use per Kitchen, fol. 160. ou la relict del Tenant le Roy est appelle le Committee le Rely, & est a avoir, un comise p l'ancien Ley del Tre al care & protection le Roy.

Common.

Common est le droit q hōe a de mitter ses Beasts a Pasture, ou de user le terre q il est son, pper soile.

Et nota que s'ot divers Cōmonz, cest adire, Common en grosse; Cōmon appendant; Cōmon appartenant; & Common per cause de viciuage.

Common en grosse est, lou jco, p mon Fait, grant a un auter que il avera Cōmon en ma terre.

Common appendant est, lou hoīe est seisiē de certaine terre, a que il ad Cōmon en auter soīe, soleīnt p ceūx beaſts que compoſt la terre a que il est appendant, except Oysōs, Chivers, & Porceaux; quel Cōmon est p prescription, & de cōmon droit, & il est appendant al t're arable soleīnt.

Common appartenant est de meſme nature ove Common appendant, mes est oveſq̄ tous manners des avers, leybien Porceaux & Chivers, come Chivals, Vaches, & tiels que compoſt le t're. Et tiel Cōmon poīt estre fair a c' jour, & sever del t're a que il est appartenant, mes il n'ont ne poīt Common appendant.

Common per cause de viciuage est, lou les Tenants de deux Seigniors sont seisiēs de deux Seignories dont l' an gift p̄s l' auter, & cheſcun de eux ont uſe de temps dont memorie ne courr' de aver Common en auſ Ville oveſque tous beaſts commonable.

Mes l'un ne poīt mīeter ſes Avers en le terre l' auter, car la ceux de l' auter Ville

And note that there are divers Commons, that is, Common in grosse, Common appendant, Common appartenant, and Common because of neighbourhood.

Common in gross is, where by my Deed, grant to another that he shall have Common in my land.

Common appendant is, where a man is seised of certain land, to which he hath Common in another's grounds, onely for those beaſts which compoſt the land to which it is appendant, excepting Horses, Goats, and Hogs; which Common is by prescription, and of common right, and appendant to arable land onely.

Common appartenant is of the ſame nature with Common appendant, but with all manner of beaſts, as well Hogs and Goats, as Horses, Cows, and ſuch as compoſt the grounds. And this Common may be made at this day, and ſeised from the land to which it is appartenant, but ſo cannot Common appendant.

Common because of neighbourhood is, where the Tenants of two Lords are seised of two Mannors adjoining to each other, and the Tenants have time out of mind intercommoned each with other with all manner of beaſts commonable.

Yet the one may not put his Cartell in the others grounds, ſo, ſo they of the other Town may

may distrain them Dammage
fisant : or habe an Action of
Trespals : but they may put
them into their own fields, and
if they stray into the fields of the
other Town, there they ought to
suffer them. And the inhabi-
tants of the one Town ought
not to put in as many beasts as
they will, but with regard to the
inhabitants of the other, for
otherwise it were no good Neigh-
bourhood, upon which all this
depends.

Common Fine.

Common Fine is a certain
Summe of Money which the
Bessants in a Leet pay unto
the Lord of the Leet; and it is
called in some places Head-silver,
in some places Certum Letæ, and
was (as it seems) first grant-
ed to the Lord towards the
charge of his purchase of the
Leet, whereby the Bessants
had now an ease to do their
Duty royal within the Man-
or, and not be compelled to go
to the Sherif's Tourn to doe it.
And for this Common Fine
the Lord must prescribe, and
cannot distrain for it without
a prescription, as it appears
in Godfrey's Case, in 11. Rep. fo.
44. b.

Common Law.

Common Law is for the most
part takē three ways. First,
in the Laws of this Realm
simply, without any other

poient eux distraire Damage
faisant, ou a ver Action de
Trespasse : mes ils eux mitte-
ra en leur camps demesne, &
si ils estray en les câps del auē
Ville, ils doint eux sufferer.
Et les inhabitâts de l'ū Ville
ne doivent mitter eins beasts
tants come ils voilē, mes ayant
regard al Frâkteneint del in-
habitants de le auter, car aũ-
ment il ne serroit bone Vici-
nity, sur que tout depend,

Common Fine.

Common Fine est un cer-
tain sum des Deniers q̄
les Resiants deins un Leet
payont al Sñr del Leet; & est
appel en ascuns lieus *Capita-
gium* vel *Capitale argentum*, en
ascuns lieus *Certum Letæ*, &
fuit al primes (cōe semble)
grant al Sñr vers le charge de
son purchase del Leet, p̄ que
les Resiants avoyent ore un
aise p̄ faire lour Suit royal
deins l'Mañor, & nemy desire
compells d' aler al Tourne le
Viscōut de faif ceo. Et p̄ cest
Common Fine le Sñr doit pre-
scribe, & ne poit distrein p̄
ceo sans Prescription, come
appiirt en Godfrey's Case, en
11. Rep. fo. 44. b.

Common Ley.

Common Ley est p̄ le plus
part prise 3. voyes. Pri-
merint, p̄ les Leyes d' cest
Realin simply, sans ascū aut
Ley,

Ley, cōe Customarie, Civil, Spiritual, ou quecunque aut Ley joyne a ceo; come quant est dispute en nostre Leyes d'Engleterre, quid doit de droit estre determine p le Common Ley, & quid p Spiritual Ley, ou le Court del Admiral, ou tielx semblables.

Secondarily, il est pris p les Courts le Roy, come le Bāk l' Roy, ou Comon Place, tātsolement p monstre un difference perent eux & les base Courts; come Customary Courts, Court-Barons, Country Courts, Pipowders, & tielx semblables; come quant un Plee de terre est remove hors de anciēt Demesne, p ceo que le tre est Frank-seē, & pleadable al Common Ley, cest adire, en le Court le Roy, & nemy en anciēt Demesne, ou en aucun aut base Court.

Tiercement, & pluis usualm, p Comon Ley est entēdue tielx Leyes q fueront generalm prise & tenus p Ley devant q alc Stat. fuit fait p alc ceo: cōe p example, Tenant p vie, ne p ans, ne fueront destre punish p felaīs Wast al Comon Ley, ranque le Statute de Gloucester cap. 5. le quel don ū Actiō de Wast envers eux. Mes Tenar p le curtesie & Tenar en dower fueront punishable p Wast al Common Ley, cest adire, per le usual & common received Leyes le Realm, devant le dit Statute fuit fait.

Law, as Customary, Civil, Spiritual, or whatever other Law joynted to it; as when it is disputed in our Lawes of England, what ought of right to be determined by the Common Law, and what by the Spiritual Law, or Admiral's Court, or such like.

Secondly, it is taken for the King's Courts, as the King's Bench, or Common Place, onely to shew a difference between them and base Courts, as Customary Courts, Court-Barons, County Courts, Pipowders, and such like: as when a Plea of land is removed out of ancient Demesne, because the land is Frank-seē, and pleadable at the Common Law, that is to say, in the King's Court, and not in ancient Demesne, or in any other base Court.

Thirdly, and most usually by Common Law is understood such Lawes as were generally taken and holden for Law before any Statute was made to alter the same: as for example, Tenant for life, nor for years, were not to be punished for doing Waste at the common Law, till the Statute of Gloucester cap. 5. which gives an Action of Waste against them. But Tenant by the curtesie & Tenant in dower were punishable for Waste at the Common Law, that is, by the usual and common received Lawes of the Realm, before the said Statute was made.

Common Pleas.

Common Pleas is the King's Court now held in Westminster-Hall, but in ancient time moveable, as appears by Magna Charta, cap. 31.

But Gwyn, in the Preface to his Reading, saith, That until the time that Henry the third granted the Great Charter, there were but two Courts, one called the King's Courts, the Exchequer, and King's Bench, which was called Aula Regia, because it followed the Court; and that upon the grant of that Charter the Court of Common Pleas was created and settled in a place certain, viz. at Westminster; and therefore all the Writs were made with this Return, *Quod sit coram Justiciariis meis apud Westmonasterium*, where before the partie was commanded by them to appear coram Me vel Justiciariis meis, without any addition of any place certain.

All Civil causes, as well Real as Personal, are, or were in ancient time, tried in this Court, according to the first Law of the Kingdom: And by Fortescue, cap. 50. it comes to have been the only Court for Real Causes. The chief Judge thereof is called The Lord chief Justice of the Common Pleas, accompanied with three or four Assistants or As-

Common Pleas.

Common Pleas est le Court le Roy James tenuis en le Sale de Westminster, mes en ancient tēps moveable, si cōe appiert p *Mag. Chart. c. 31.*

Mes Gwyn, en le Preface a son Lecture, dit, Que jelque le temps que Henry le tierce grant le Grand Charter, la suef forsq̄ deux Courts sole-
mēt appel les Courts le Roy, de que ū fuit l' Eschequer, & l' auter le Banke le Roy, quel fuit appel auxy, *Aula Regia*, p cēo que el ensue le Court; & q̄ sur le grāt de cel Charte le Court d' Comon Plees fuit cre-
rect & settle ē ū lieu certain, viz. al Westminster; & p cēo
tours les Briefs fueront faits ove cest Returne, *Quod sit coram Justiciariis meis apud westmonasterium*, ou devant le parry fuit command per eux d' appearer coram Me vel Justiciariis meis, sans aucun addition d' aucun lieu certain.

Tours Civil causes, cybrien Real come Personal, sont, ou fueront ē ancient temps, trye en cest Court, accordant al strict Ley del Royalm: Et p Fortescue, cap. 50. il semble davereste le sole Court pur Real Causes. Le primer Judge de cēo est appelle *Seignior chiefe Justic del Comond Plees*, accompany ove trois ou quatre Assistants ou Associates;

sociates, que sont create per Letters Patents del Roy, & si cōe suit enstalle ou place sur le Bank p le Seignieur Chancellor & Seignieur Chiefe Justice del Court, come ap- pient p Fortescue, ca. 51. que expresse tous les cir- cumstances de cel Admis- sion.

Le residue des Officers ap- pertenant a cel Court sont ceux: Le Custos Brevium, trois Prothonotaries, Chiro- grapher, dire quater Phila- sers, quater Exigentes, Clerk des Garrants, Clerk des Ju- rics, Clerk del Treasury, Clerk de Argent le Roy, Clerk des Essoines, Clerk des Uilgarics.

*Common jour en plee
de terre.*

Common jour en plee de terre, Anno 13 R. 2. Stat. 1. cap. 17. signifie un ordi- nary jour en le Court, come Octabis Michaelis, Quindena Pasche, &c. come poies veier en le Statute 51 H. 3. concernant general jours en le Bank.

Commotes.

Comotes semble destre un paral composir, del Preposition Con, & Mo- tio, i. e. Dictio, Verbum, & signifie en Gales le part dun Countie ou Hundred,

sociates, who are created by the King's Letters Patents, and as it were installed or placed upon the Bench by the Lord Chancellor and Lord Chief Justice of the Court, as appears by Fortescue, cap. 51. who expresses all the circumstances of this Admis- sion.

The rest of the Officers ap- pertaining to this Court are these: The Custos Brevium, three Prothonotaries, Chirographer, fourteen Philasers, four Exigentes, Clerk of the War- rants, Clerk of the Juries, Clerk of the Treasurie, Clerk of the King's Silber, Clerk of the Essoines, Clerk of the Outlawries.

*Common day in plea
of land.*

Common day in plea of land, Anno 13 R. 2. Stat. 1. cap. 17. signifies an ordinary day in the Court, as Octabis Michaelis, Quindena Pasche, &c. as you may see in the Statute 51 Hen. 3. concern- ing general days in the Bench.

Commotes.

Comotes seems to be a compound word, of the Preposition Con, and Mo- tio, that is, Dictio, Verbum, and signifies in Wales part of a County or Hundred.

An. 28 H. 8. cap. 3. It is writ-
ten *Commoithes*, Anno 4 H. 4.
cap. 17. and is used for a Ga-
thering made upon the people
of this or that Hundred by
Welsh Ministers.

Anno 28 H. 8. cap. 3. Il est
escrie *Commoithes*, An. 4. H. 4.
ca. 17. & est use pur un Col-
lection fait sur les gens de
ceo ou cest Hundred p Min-
strels de Gales.

Communi custodia.

Communi custodia is a writ
which did lie for that Lord,
whose Tenant holding by
knights service dies, his el-
dest son within age, against a
stranger, who entered the land,
and obtained the ward of the
body. It seems to take name
from the common Custome of
right in this case, which is,
That the Lord shall have the
wardship of his Tenant un-
till his full age; or because
that it is common for the re-
covery both of the Land and
Tenant, as appears by the
form thereof, Old N. B. 89. Regist.
Orig. 161.

Compromise.

Compromise is a mutual Pro-
mise of two or more parties
that are at controverſie, to
submit themselves and all dif-
ferences between them unto the
Ward, Arbitrement, or Judg-
ment of one or more Arbitra-
tors, indifferently chosen be-
tween them, to determine and
adjudge upon all matters re-
ferred, and upon which the par-
ties differ,

Communi custodia.

Communi custodia est un
Brief que gisoit pur cel
Seignieur, le Tenant de
quel tiendrant per service de
Chivaler morust, son eigne
fils deins age, envers un e-
stranger, que enter le terre,
& obtaine le Gard del corps.
Il semble de prendre le
nomme del common Custome
ou droit en ceo case, que est,
Que le Seignieur avera le
Gard de son Tenant jesque
son pleine age; ou p ceo, que
est common pur recoverie del
Terre & Tenant, cœ appiere
p le forme de ceo, *Veil N. B.*
89. Regist. Orig. 161.

Compromise.

Compromise est ū mutuell
Promise de deux ou plu-
sors parties q sont al con-
troverſie, p submitter eux
mesmes & tous differēces enſ
eux al Agard, Arbitrēm̄, ou
Judḡm̄t del ū ou plusors Ar-
bitrators, enſ eux indifferen-
tēm̄ eslieu, p determiner &
adjudger des rours mat̄s re-
ferres, & sur que les parties
differont.

Computation.

Computation est uſe en le Common Ley, pur le voyer & indifferent Conſtruction de temps, iſſint que ne l'un partie ferra tort al autre, ne le determination de fines, referē a large, deſta priſe un voy ou autre, mes compute accordant al droit raiſon de la Ley.

Come ſi Indentures de Demise ſont ingroſſe, portant date le uniſme jour de May, 1665, d'aver & tener terre en S. pur trois ans de ceſt temps, & les Indentures ſon delivrer le quart jour de June en l'an avantdic: En ceſt caſe, de ceſt temps, ſont accoutē del jour del Delivrer des Indentures, & nemy p ale computation del Date. Et ſi le ſaid Indenture ſont delivrer al quat de la horologe puis meridie le dit quart jour, ceſt Leas finiera le tierce jour de June en le tierce an; car la Ley en ceſt Computation reject rous fractions ou divisions del jour, pur l'incertaintie, q rous fois eſt le mere de contention. Iſſint ou le Statute d'Enrolments fait Anno 27 Henr. 8. cap. 16. eſt, Que les Eſcripts ſeront inrolle deins ſixz moyes apres le Date de meſme les Eſcripts indent; ſi tiels Eſcripts ont Date,

Computation.

Computation is uſed in the Common Law for the true and indifferent Conſtruction of time, ſo that neither the one party ſhall doe wrong to the other, nor the determination of times, referred at large, be taken one way or other, but computed according to the juſt cenſure of the Law.

As if Indentures of Demise are ingroſſed, bearing date the eleventh day of May, 1665. to have and to hold the land in S. for three years from henceforth, and the Indentures are delivered the fourth day of June in the year aſoſeſaid: In this caſe, from henceforth, ſhall be accounted from the day of the Delivery of the Indentures, and not by any computation from the Date. And if the ſaid Indenture be delivered at four of the clock in the afternoon of the ſaid fourth day, this Leaſe ſhall end the third day of June in the third year; for the Law in this Computation rejects all fractions or divisions of the day, for the uncertainty, which alway is the mother of contention. So where the Statute of Enrolments made Anno 27 Henr. 8. cap. 16. is, That the writings ſhall be inrolled within ſix moneths after the Date of the ſame writings indented; if ſuch writings have Date, the

the six moneths shall be accounted from the Date, and not from the Delibery; but if they want Date, then it shall be accounted from the Delibery. Co. li. 5. fol. 1.

If any Deed be shewed to a Court at Westminster, the Deed by Judgement of the Law shall remain in Court all the Term in which it is shewed; for all the Term in Law is but as one day. Co. li. 5. fol. 74.

If a Church be void, and the true Patron doth not present within six moneths, then the Bishop of the Diocese may collate his Chaplain; but these six moneths shall not be computed according to 28 days to the moneth, but according to the Kalender. And there is great diversity in our common speech in the singular number; as a Twelve-moneth, which includes all the Year, according to the Kalender, and twelve moneths, which shall be computed according to 28 days to every moneth. See Coke lib. 6. fol. 61. b.

Computo.

Computo is a writ so called of the effect, because it compells a Bailif, Chamberlain, or Receiver, to yield his Account. Old N. Brev. fol. 58. It is founded upon the Statute of Westm. 2. cap. 2. which you may see for better understanding

les six moies seront account del Date, & nemy del Deliverie; mes si fault Date, donque il serra account del Deliverie. Co. li. 5. fol. 1.

Si aucun Fait est monstre a un Court al Westminster, le Fait per Judgement del Ley remain en Court tout le Term en que ceo est monstre; car tout le Term en Ley nest que un jour. Co. lib. 5. fol. 74.

Si un Eglise happa void, & le veray Patron ne presenta deins six moies, donques l' Eveque del Dioces. post collate son Chaplein; mes ceux six moies ne serra account accordant al vint huit jours al moies, mes accordant al Kalend'. Et la est grand diversitie en nostre common parlance en le singular nombre; come un Twelve-moneth, que enclude tout lan selonq l' Kalend', & twelve moneths, que serra compute selonque vint huit jours a chescun moies. Veies Co. li. 6. fol. 61. b.

Computo.

Computo est un Brief issint Cappel del effect, pur ceo q il eforce un Baylif, Chamberlain, ou Receiver, a rendre son Account. Veil N. B. f. 58. Il est foudue sur le Statute de Westm. 2. c. 2. le quel pour vostre mieux intelligence vous poyes lier.

lier. Et il auxy gist pur Executors d' Executors, 15 Ed. 3. Stat. de Provis. Vidual. cap. 5. Tiercein, envers le Gardein en Socage, pur Wast fait en le minority del Heir, Marl. cap. 17. Et veies plus en queux auts cases il gist, Reg. Orig. fol. 135. *Vil N. B.* fol. 58. & *F. N. B.* f. 116.

Concealers.

Concealers sōt tiels q' trovont tres cōceales, ceo est, tiels tres q' sōt privimē deteni del Roy per cōmōn p'sons, ne ayant pas ascū chose de monstre p' eux, *An. 39 Eliz. ca. 22.* Ils sōt illint appelē à *concelando*, come *Mons à movendo*, p' Antiphrasin.

Conclusion.

Conclusion est, quant hōe p' son fait demesne sur record ad charge luy m' ovr' ascū Duty ou aut' chose: Cōc si home q' est frank confesse luy m' deffr' Villain de A. sur record, & aps A. prist ses biēs, il serra conclude adire ē ascū Action ou Plea en aps que il est frank, per reason de son confession demesne. Illint si le Viscount, sur un *Capias* a hūy direct, retourne quod *Cepit corpus*, & uncore nad le corps ē Court al jour del Retourne, il serra amercie: & sil fust sur ū *Capias ad satisfaciend'*, le Plainif poit aver son Acti-

on. And it also lies for Executors of Executors, 15 Ed. 3. Stat. de Provis. Vidual. cap. 5. Thirdly, against the Gardein in Socage, for waste made in the minority of the Heir, Marl. cap. 17. And see farther in what other cases it lies, Reg. Orig. fol. 135. Old N. B. fol. 58. & F. N. B. fol. 116.

Concealers.

Concealers are such as find out lands concealed, that is, such lands as are secretly detained from the King by common persons, having nothing to shew for them, Anno 39 Eliz. cap. 22. They are so called à *concelando*, as *Mons à movendo*, by Antiphrasis.

Conclusion.

Conclusion is, when a man by his own act upon record hath charged himself with a Duty or other thing: As if a free-man confesse himself to be the Villain of A. upon record, and afterward A. takes his goods, he shall be concluded to say in any Action or Plea afterwards that he is free, by reason of his own confession. So if the Sheriff upon a *Capias* to him direct, returns that he hath taken the body, and yet hath not the body in Court at the day of the Return, he shall be amerced: and if it were upon a *Capias ad satisfaciend'*, the Plaintiff may have his Action

on against the Sheriff for the Escape; for by such Return the Sheriff hath concluded himself.

And this word Conclusion is taken in another sense, as for the End or later part of any Declaration, Barre, Replication, &c. As where to the Barre there ought to be a Replication, the Conclusion of his Plea shall be. And this he is ready to affirm. It is Dower the Tenant pleads, that he was never seised to render Dower, the Conclusion shall be. And upon this he puts himself upon the Country. And in what manner the Conclusion shall be according to the nature of several Actions, see Kirch. fol. 219, 220, &c.

Concord.

Concord is defined to be the very Agreement between parties that intend the levying a fine of Lands one to another, how and in what manner the Lands shall be passed: for in the form thereof many things are to be considered. See Westm. part 2. tit. Fines & Concoords, sect. 30.

Concord is also an Agreement made upon any Trespass committed between two or more, and is divided into a Concord Executory, and Executed. See Plowd. in Reniger and Fogasse's Case, fol. 5, & 6. where it appears by the opinion of some, That the one doth not bind,

on envers le Viscount, puis le Escape; car per tiel Retourne le Viscount ad conclude luy mesme.

Et cest parol Conclusion est pris en un autre sens, c'est le Fin ou darrein part d'aucun Declaration, Barre, Replication, &c. Come ou al Barre covient estre un Replication, le Conclusion de son Plea sera, *Et hoc paratus est verificare*. Si en Dower le Tenant pleda, Ne unques seise que Dower doit render, le Conclusion sera, *Et de hoc ponit se super Patriam*. Et en quel manner le Conclusion sera accordant al nature des several Actions, veies Kirch. fol. 219, 220, &c.

Concord.

Concord est define estre le voyer Agreement entre parties que entendent le levying d'un Fine de Terres un al autre, quel voy & en quel manner les Terres seront passe: car en le forme de ceo plusors choses sont estre consider. *Vide West. part. 2. tit. Fines & Concoords, sect. 30.*

Concord est auxy un Agreement fait sur aucun Trespass commit perent deux ou plusors, & est divide en un Concord Executory, & Execute. *Vid. Plowd. Casu Reniger & Fogasse, fo. 5, & 6.* ou il appeat par l'opinion d'aucuns, Que l'un ne li pas, come

come esteāt defective ; l'aut, esteāt absolute, oblige le parties. Et uncore p l'opinion d' autres, en m le case, il est affirme, Que Concords Executoire sunt perfect, & ne meynes lveront pas q Concords Executed, fol. 8. b.

as being imperfect ; the other, being absolute, binds the parties. And yet by the opinion of others, in the same case, it is affirmed, That Concords Executory are perfect, and do no lesse bind then Concords Executed, fol. 8. b.

Concubinage.

Concubinage.

Concubinage est un Exception vers luy q port Action pur sa Dower, p q il est alledge, Que el ne fait loy- alment espouse al partie en queux terres el quere destf endowe, mes son Concubine. Brit. cap. 107. Bract. li. 4. tract. 6. cap. 8.

Concubinage is an Exception against her that brings an Action for her Dower, whereby it is alledged, That she was not lawfully married to the party in whose lands she seeks to be endowd, but his Concubine. Brit. cap. 107. Bract. lib. 4. tract. 6. cap. 8.

Conders.

Conders.

Conders sōt tiels q estoīāt sur les alt lieus prochein al coast del Mere, al tēps del piscary p Haleques a faire signes ove ramaus, &c. en leur maines al Piscarers, quel voy le troupe des Haleques passont : car ils q estoīant sur ascūn alt Pierre poyent ceo mieux veier q tiels que sont en leur Nieses. Ceux sont auterment appel Huers & Balkers, come appiert p le Statute de 1. Jac. cap. 23.

Conders are those that stand upon high places near the Sea-coast, at the time of Herring-fishing, to make signs with boughs, &c. in their hands to the Fishers, which way the shoale of Herrings passes : for they who stand upon some high Cliffe may see it better then those that are in their Ships. These are otherwise called Huers and Balkers, as appears by the Statute of 1 Jac. cap. 23.

Condition.

Condition.

Condition est un Restraint ou Bridle annex al choses, ainsi q p le non pformace,

Condition is a Restraint of a Bridle annexed to a thing, so that by the not performance

or not doing of it, the party to the Condition shall receive prejudice and losse; and by the performance and doing of it, commodity and advantage.

All Conditions are either Conditions actual and expresse, which are called Conditions in Deed; or else implied or covert, and not expresse, which are Conditions in Law.

Also all Conditions are either Conditions precedent and going before the Estate, and are executed; or else subsequent and following after the Estate, and executory.

Condition precedent doth get and gain the thing or Estate made upon Condition, by the performance of it.

Condition subsequent keeps and continues the thing or Estate made upon Condition, by the performance of it.

Actual and expresse Condition, which is called a Condition in Deed, is a Condition annexed by expresse words to the Feoffment, Lease, or Grant, either in writing, or without writing: As if I infeoff a man in lands, reserving a Rent to be paid at such a feast, upon Condition, that if the Feoffee fail of payment at the day, then it shall be lawful for me to re-enter.

Condition implied or covert is, when a man grants to another the Office to be Keeper of a Park, Steward, Wedle, Mill, or such like, for term

ou fefans de ceo, le partie al Condition recevra prejudice & perde, & per le performance & faif de c', commodity & advantage.

Tous Conditions sont ou Conditions actual & expresse, qu'on appelle Conditions en Deed; ou ils sont implicite ou tacite, & nient expresse, les qu'on appelle Conditions en Ley.

Auxy tous Conditions sont ou Conditions precedent & vaient devant l'Estate, & sont executees; ou subsequent & veniens apres l'Estate, & executorie.

Le Condition precedent gain & obtien le chose ou Estate fait sur Condition, par le performance de le Condition.

Le Condition subsequent garde & continue le chose ou Estate fait sur Condition, par le performance del ycel.

Actual & expresse Condition, qui est appellee un Condition en Deed, est un Condition annexe par expresse parols al Feoffment, Lease, ou Grant, ou en escript, ou sans escript: Si come jeo enfeoffe un homme en terres, reservant Rent destree payee a tiel Feast, sur Condition, que si le Feoffee faile de payment al jour, donques il sera loyal pur moy de re-enter.

Condition implicite ou tacite est, quant homme grant al autre le Office destree Gardein d'un Park, Seneschal, Bedle, Bailif, ou tiels semblables, par terme

de vie ; & nient obstant que la ne soit aucun Condition expresse en le Graunt, uncof le Ley parle covertmt de un Condition, quel est, Que si le Grantee ne executā pas tous points apperteignont a son Office, per luy m ou son sufficient Deputy, donq serra loyal pur le Grantor de enē, & discharge luy de son Office.

Condition precedent est, quāt un Lease est fait al un pur vie, sur Condition, Que si le Lessee voyle payer al Lessor xx. li. a tiel jour, donques il avera Fee-simple : icy le Condition precede l' Estate en Fee-simple, & sur le performance de Condition gain Fee-simple.

Condition subsequent, & veniens apres, est, quant un grant a J. S. son Manor de Dale en Fee-simple, sur Condition, Que le Grantee payera a luy a tiel jour xx. li, ou autermt que son Estate cessera : icy le Condition est subsequent & ensuant le Estate en fee, & sur le pformance d' ycel cōtinue l' Estate.

Veies pluis de ceo en *Cok. li. 3. fo. 64.* & en *Lit. li. 3. cap. 5.* & *Perkins Titulo ultimo d' Conditions.*

Confederacy.

Confederacy est, quāt deux ou plusors luy mēms cōfedre de faif ascū male ou

of life ; and though there be no Condition at all expresse in the Grant, yet the Law speaks covertly of a Condition, which is, That if the Grantee doth not execute all points appertaining to his Office, by himself or his sufficient Deputy, then it shall be lawfull for the Grantor to enter, and discharge him of his Office.

Condition precedent is, when a Lease is made to one for life, upon Condition, That if the Lessee will pay to the Lessor xx. li. at such a day, then he shall have Fee-simple: here the Condition precedes the Estate in Fee-simple, and upon the performance of the Condition doth gain the Fee-simple.

Condition subsequent, and coming after, is, when one grants to J. S. his Manor of Dale in Fee-simple, upon Condition, That the Grantee shall pay to him at such a day xx li. or else that his Estate shall cease: here the Condition is subsequent and following the Estate in fee, and upon the performance thereof doth continue the Estate.

See more of this in *Coke lib. 3. fol. 64.* and in *Lit. li. 3. cap. 5.* and *Perkins* in the last Title of Conditions.

Confederacy.

Confederacy is, when two or more confederate themselves to doe any hurt or damage

damage to another: or to doe
 any unlawfull thing. And
 though a Writ of Conspiracy
 doth not lie, if the party
 be not indicted, and in law-
 full manner acquitted, for
 so are the words of the Writ;
 yet false Confederacy between
 divers persons shall be punish-
 ed, though nothing be put in
 ure: and this appears by the
 Book of 27 Assis. placit. 44.
 where there is a note, That
 two were indicted of Confe-
 deracy, each of them to main-
 tain other, whether their mat-
 ter were true or false; and
 though nothing was supposed
 to be put in ure, the parties
 were put to answer, because
 this thing is forbidden in the
 Law. So in the next Article
 in the same Book, Enquiry
 shall be made of Conspirators
 and Confederators, which bind
 themselves together, &c. falsly
 to endite or acquit, &c. the man-
 ner of their binding, and be-
 tween whom: which proves
 also, that Confederacy to in-
 dite or acquit, although no-
 thing be done, is punishable by
 the Law. And it is to be ob-
 served, that this Confederacy
 punishable by Law before it
 be executed, ought to have four
 incidents: First, to be de-
 clared by some matter of pro-
 secution, as by making of
 Bonds or Promises the one to
 the other; secondly, to be ma-
 licious, as for unjust Revenge;
 thirdly, to be false against an

damage al aut, ou d' faire
 aucun chose illoyal. Et comt
 q Bfe de Conspiracie ne gist,
 sinon q le prie soit endite, &
 en loyal man acquite, car
 issint sont les pils del Bfe;
 untore faux Confederacie
 inter divers persons serf pu-
 nie; comt q nul chose soit
 mise en ure: & ceo appiert
 p le Livre de 27 Assis. pla.
 44. ou la est un note, Que
 deux fuerot endite d' Con-
 federacie, chefe' de eux a
 maintain aut, le ql lour mei-
 stre soit veray ou faux; &
 nient obstant que nul chose
 fuit suppose destf mise en
 ure, les pries fueront mis a
 responder, pur ceo que ce
 chose est defendue en la Ley.
 Issint en le prochein Article
 en m le Livre, Enquirie serf
 fait de Cōspirators & Cōfe-
 derators, q soy ent eux alli-
 ount, &c. de fauxeint endit
 ou acquit, &c. le manner
 del alliance, & ent qux: ql
 pve auxy, q Confederacie
 d' enditer ou acquit, comt
 q rien soit execute, est pu-
 nishable p la Ley. Et est destf
 observe, que ceux Confede-
 racies punishable p Ley de-
 vant que ils sont execute, co-
 vient d' aver quater inci-
 dents: Primerment, estre de-
 clare p alcun matter de p-
 secutiō, cōe p fesant de Bōds
 ou Promises l'un al aut; se-
 conderint, estr malicious, cōe
 pur unjust Revenge; tierce-
 ment, estre faux encont un

innocent ; & dernièrement, est hors de Court, volontairement.

innocent ; and lastly, to be out of Court, voluntarily.

Confession del Offence.

Confession del Offence est, quant un prisonier est appeale ou indire de Treason ou Felonie, & trahe al Barre dests arraigne, & son Indictment est lie a luy, & il est demande per le Court que il voyle dire a ceo ; donq ou il confesse le Offence & le Enditement destre voyer, ou il estrange luy m del Offence, & plede Nient culpable, ou autrement done un indirect respons, & issint en effect estoia mute,

Confession poit estre fait en deux sorts, & a deux several fines. L'un est, il poit Confesse le Offence de q il est indict appiement en le Court devant le Judge, & submit luy mesme al censure & judgement de Ley : quel Confessio est le plus certain respons & meux satisfaction q poit est deliver al Judge a condamner le Offendor, issint q il proceda frankment & de son volunt demesne, sans aucun menace, force, ou extremitie use ; car si le Confession surde de aucun de ceux causes, il ne doit estre recorde. Come feme fuit indict pur le felonious embleer de Pane al value de 2 s. & esleant de ceo arraigne, el confesse le Fe-

Confession of Offence.

Confession of Offence is, when a prisoner is appealed or indicted of Treason or Felony, and brought to the Bar to be arraigned, and his Indictment is read unto him, and he is demanded by the Court what he can say thereto ; then either he confesses the Offence and the Indictment to be true, or he estranges himself from the Offence, and pleads Not guilty, or else gives an indirect answer, and so in effect stands mute.

Confession may be made in two sorts, and to two severall ends. The one is, he may confess the Offence whereof he is indicted openly in the Court before the Judge, and submit himself to the censure and judgement of the Law : which Confession is the most certain answer and best satisfaction that may be given to the Judge to condemn the Offendor, so that it proceeds freely and of his own accord, without any threats, force, or extremity used ; for if the Confession arise from any of these causes, it ought not to be recorded. As a woman was indicted for the felonious taking of Bread to the value of two shillings, and being thereof arraigned, she confessed the Fe-

lony.

long, and said, that she did it by the commandment of her husband; and the Judges in pity would not record her Confession, but caused her to plead Not guilty to the Felony: whereupon the Jury found, that she stole the Bread by the compulsion of her husband against her will, for which cause she was discharged. 27 Assis. pla. 50.

The other kind of Confession is, when the prisoner confesses the Indictment to be true, and that he hath committed the Offence whereof he is indicted, and then becomes an Approver, that is, an Accuser of others who have committed the same Offence whereof he is indicted, or other Offences with him; and then prays the Judge to have a Coroner assigned him, to whom he may make relation of those Offences, and the full circumstances thereof.

There is also a third kind of Confession made by an Offendor in Felony, which is not in Court before the Judge, as the other two are, but before a Coroner in a Church or other privileged place, upon which the Offendor by the ancient Law of the Realm is to abjure the Realm.

Confirmation.

Confirmation is, when one who hath right to any Lands or Tenements makes

lonie, & dit que el ceo fait p le commandemēt de sa Baron; & les Judges en compassion ne voillent recorder sa Confession, mes cause luy de pleader Non culpable al Felonie: sur que le Jurie trove q el emblee le Pane per le compulsion de sa Baron encouñt sa volunt, per q l meistre el fuit discharge. 27 Ass. pla. 50.

L'auter sort de Confession est, quant le prisoner confesse l' Endictmēt destre voyer, & q il ad commit le Offence de q il est endict, & donq devient un Approver, cest adire, un Accuser de autres q ux ont commit m le Offence de q il est endict, ou autres Offences ove luy; & donq pria le Judge daver un Coroner assigne a luy, a que il poit faire relation de ceux Offences, & del pleine circonstances de eux.

La est auxy un tierce sort d Confession fait p ū Offendor en Felonie, q nest en Court devant le Judge, come l' autres deux sont, mes devant l' Coroner en un Esglise ou aŭ lieu privilege, sur que l' Offendor p l' ancient Ley del Roialm est de faire son abjuracion hors del Roialme.

Confirmation.

Confirmation est, quant un q avoit droit al ascun Terres ou Tenements fait

Un Fait a un autre q avoit
ent le possession ou ascun e-
state, ovesque ceux parolx,
Ratificasse, Approbasse, Con-
firmasse, ove entent d'enlar-
ger sō estate, ou faif sō pos-
sessiō pfect, & niét defeisibie
p luy que fait le Confirma-
tion, ne p ascun autre q poit
aveigner a son droit.

Dont veies plus *ē Lit. lib.*
3. cap. 9. de *Confirmations*.

Confiscate.

Confiscate, cest parol est
prise del Latine pol *Fis-*
cus, que originalmēt signifie
un Hanap ou Fraile, mēs p
implication le Treasure del
Souveraigne, p ceo q en viel
tēps il fuit mis en Hanaps
ou Frailes. Et nient obstant
que nostre Roy ne mis son
Treasure en tiels choses, un-
core cōe les *Romans* ont dit,
que tiels biens q fuēront for-
feit al Treasure del Empe-
ror esteant *Bona Confiscata*,
en mesme le manner nous
diomus de tiels biens que sont
forfeit al Eschequer de no-
stre Roy. Et le title d'aver
ceux biens est donc al Roy
p le Ley, quant ils ne sont
claime p ascun aut: Cōe si
home soit indite, q il felon-
ousmēt emblee les biens dun
aut home, lou en veritie ils
sōt les pper biens l'enditee,
& ils sōt mises en Court vers
luy cōe maneur, & la demād
est de luy, que il dit as dits

a Deed to another who hath
the possession or some estate,
with these words, *Ratificasse,*
Approbasse, Confirmasse, with
intent to enlarge his estate,
or make his possession per-
fect, and not defeisibie by him
that makes the Confirmation,
nor by any other that may have
his right.

Whereof see more in *Littl. li. 3.*
cap. 9. of *Confirmations*.

Confiscate.

Confiscate is derived from the
Latine *Fiscus*, which origi-
nally signifies a Hamper or
Basket, but metonymical-
ly the Prince's Treasure,
because in ancient time it
was put in Hampers or
Frailes. And though our King
doth not put his Treasure in
such things, yet as the Romans
have said, that such goods as
were forfeited to the Emperor's
Treasure were *Bona Confiscata*,
in like manner do we say of
such goods as are forfeited to
the King's Exchequer. And
the title to have these goods
is given to the King by the
Law, when they are not
claimed by some other: As if
a man be indicted, that he fe-
lously stole the goods of
another man, where in truth
they are the proper goods of
him indicted, and they are
brought in Court against him
as the manner, and he there
asked, what he says to the said
goods;

goods; to which he disclaims: by this Disclaimer he shall lose the goods, although that afterwards he be acquitted of the felony, and the King shall have them as confiscated. But otherwise it is, if he doth not disclaim them.

The same Law is where goods are found in the felon's possession, which he disavows, and afterwards is attainted of other goods, and not of them; there the goods which he disavows are confiscate to the King: But had he been attainted of the same goods, they should have been said to be forfeited, and not confiscate, notwithstanding his Disavowment. So if an Appeal of Robbery be brought, and the Plaintiff leaves out some of his goods, he shall not be received to enlarge his Appeal; and forasmuch as there is none to have the goods so left out, the King shall have them as confiscate, according to the old rule, *Quod non capit Christus, capit Fiscus*. And as in the case aforesaid the Law punishes the owner for his negligence and connivency, so the Law abhors malice, in seeking the blood of any without just cause. And therefore if A. hath the goods of B. by delivery, or finding, and B. brings an Appeal against A. for taking them feloniously, and it is found that they were the Plaintiff's goods, and that the Defendant came lawfully by them;

biens; as queux il disclayma: per cel Disclaimer il perdra les biens, coment que apres ils soit acquite del Felonie, & le Roy eux avera come confisq. Mes autrement est, sil ne disclayma en eux.

Mesm le Ley est ou biens sont troves en le possession dun Laron, queux il disavowa, & puis est atteint de aus biens, & nemy d' ceux; icy les biens queux il disavowa sont al Roy confisques: Mes usloit il atteint de mesmes les biens, ils seroient aver este appellees *forfaits*, & nemy *confisques*, nient obstant son Disavowment. Issint si Appeal d' Robberie soit port, & le Plaintife interlessa aucun de ses biens, il ne serra receive d' enlarger son Appeale; & entant q nul est icy daver les biens issint intessee, le Roy eux avera come confiscque, accordant al veiel dit, *Quod non capit Christus, capit Fiscus*. Et come en le case avanrdit le Ley punie l' owner p son negligence ou connivencie, issint le Ley abhorre malice, en querance le sanke dascu sans just cause. Et p ceo si A. ad l' biens de B. p bailmt, ou trover, & B. port Appeale vers A. pur prendre eux feloniously, & est trove q eux fuerot les biens le Plaintiff, & que le Defendant vient a eux loyallyment;

en cest case ceux biens serrōt
confisque al Roy, p̄ le faux &
malicious Appeale.

in this case these goods are con-
fiscate to the King, because of the
false and malicious Appeal.

Congeable.

Congeable veigne del pol
Francois *Conge*, id est, *ve-*
nia, & signifie en nre Comon
Ley tant come Loyal, ou loy-
alme fait; & issint est use p
Littleton en son 410. sect. lou
il dit q̄ l'Entry del *Disseisee*
est *congeable*.

Congeable.

Congeable comes of the
French word *Conge*, id est,
venia, and signifies in our Com-
mon Law as much as Lawful,
or lawfully done; and so Little-
ton uses it in his 410. sect. where
he says, that the Entry of the *Dis-*
seisee is *congeable*.

Conge d'essire.

Conge d'essire, *Venia eli-*
gendi, est le Permission
Royal d̄ Roy a asc' Deane &
Chapter e temps d̄ Vacation
d'essire un *Evesq̄*, ou a ū *Ab-*
bey ou *Priorie* d̄ son founda-
tion demesn̄, d'essire lour *Ab-*
bot ou *Prior*. *Firzh. Nat. Brev.*
fol. 169. b. 170. b. c. &c. Mon-
sieur *Gwyn* e le Preface a ses
Lectures dit, Que le Roy
d'Angleterre, come Sovereaine
Patrō d̄ tous Archieuesque-
ries, *Evesqueries*, & aus̄s *Be-*
nefices Ecclesiastical, ad de
ancien temps frank dispositi-
on de tous Dignities *Eccle-*
siastical, oucunque ils happa
destre void, investant eux pri-
mermt̄ *per baculū & annulū*,
& puis p̄ les Letters Patents;
& q̄ e p̄gresse de temps ils
done poyar as aus̄s a faire Ele-
ction south asc' formes & cō-
ditions; cōe nosmeint, q̄ ils a
chesc' Vacation demāderont

Conge d'essire.

Conge d'essire (i. Leave to chuse,
or Power of chusing) is the
King's Royal Permission to
any Dean and Chapter in time
of Vacancy to chuse a Bishop;
or to an Abbey or Priory of his
own foundation, to chuse their
Abbot or Prior. *Firzh. Nat. Brev.*
fol. 169. b. 170. b. c. &c. Master
Gwyn in the Preface to his
Readings saith, That the King
of England, as Sovereign Pa-
tron of all Archbishopricks, Bi-
shopricks, and other Ecclesiasti-
cal Benefices, had of ancient
time free disposition of all Eccle-
siastical Dignities whensoever
they happen'd to be void, in-
vesting them first *per baculum &*
annulum, and afterwards by his
Letters Patents; and that in
progresse of time they gave pow-
er to others to make Election
under certain forms and con-
ditions; as namely, that they
upon every Vacacion should beg
of

of the R. Conge d'eslire, that is, licence to proceed to Election, and after to crabe his Royal Assent, &c. And farther he affirms by good proof out of the Common-law Books, that King John was the first that granted it, and that it was afterward confirmed by Westm. 1. c. 1. which Statute was made Anno 3 E. 1. and again by the Statute de Art. Cleri, c. 2. which was ordained Anno 25 E. 3. Stat. 3.

del Roy Conge d'eslire, cest-à-cavoir, licence a pced al Election, & puis d'obseccer son Royal Assent, &c. Et ouster il affirme p bone pbation hors des Livres del Comon Ley, q le Roy Joan fuit le primer que granta ceo, & que il fuit puis confirme per Westm. 1. c. 1. quel Statute fuit fait Anno 3 E. 1. & arec per le Statute de Art. Cleri, c. 2. q fuit ordaine Anno 25 E. 3. Stat. 3.

Conjuration.

Conjuration.

Conjuration is a Compact or Plot made by men combining themselves together by oath or promise to doe any publick harm. But it is more commonly used for such as have personal Conference with the Devil or evil Spirit, to know any secret, or to effect any purpose. Anno 5 Eliz. c. 16. And the difference between Conjuration and Witchcraft may be this; Because the one seems by Prayers and Invocation upon the potent Name of God, to compell the Devil to say or doe what he commands; and the other doth it rather by a friendly and voluntary Conference or Agreement between him or her, and the Devil or familiar, to have his or her desires and purposes effected, in stead of blood or other gift offered him, especially of his or her Soul. And both these differ from Enchantments or

Conjuration est un Compact ou Plot fait p hōes combinant eux mesmes ensemble p serement ou parol a faire asc' publique leide. Mes il est plus communement use p tiels queux ont personal Parlançe ove le Diable ou male Esprit, a cognostre ascun secret, ou de faire asc' chose. Anno 5 Eliz. c. 16. Et le difference penter Conjuration & Witchcraft poit este ceo: Pur ceo q l'un semble p Orizons & Invocation sur le potent Nomsme d Dieu, d compeller l'Diable a dire ou faire q il luy commande; & l'aut fait plus p un amicable & voluntarie Parlançe ou Concord penter luy ou el, & le Diable ou Esprit, daver sa ou sō volūt & choses effect, e lieu de sangue ou aue don offer a luy, primerunt d sō ou sa Soule. Et ambideux ceux differont d'Enchantments ou

Sor-

Sorceries, p' ceo q' ils sont p'so-
nal Parlaunces ove le Diable,
come est dit; mes ceux sont
forsq' Medicines & ceremo-
nial formes de parols, com-
muneit appel *Charms*, sans
apparition.

Sorceries, because they are per-
sonal Conferences with the
Devil: as is said; but these
are but Medicines and cere-
monial forms of words com-
monly called Charms, without
apparition.

Conservator del Peace.

Conservator del Peace est
celuy q' ad un especial
charge p' vertue d' son Office
a veier le Peace le Roy ob-
serve. Quel Peace e effect est
define destre, Un detention
ou abstinence d' cel injurious
force & violence q' hoës ir-
regular & indomit s'ont e leur
natures apt de user envers au-
ters, sinon q' ils suef restrainé
p' Leys & pavor de Castigac'.
De ceux Cōservators Lambert
ouster dit, Que devant le
temps del Roy E. 3. q' primer-
ment constitue Justices del
Peace, la fuer' divers p'sons q'
p' le Comon Ley aver inter-
est e le gardiancy del Peace.
De ceux, ascuns ont c' charge
come incident a leur Offices,
& issint include deins m̄, niēt
obstāt ils suef appel p' l'nosm̄
de leur Office solemt; asc'
aüs ont ceo solemt, cōe d' luy
m̄; & suef d' c' nosm̄ *Custodes
Pacis*, Gardians ou Conserva-
tors del Peace. Et ceux ambi-
deux sorts sont arere subdi-
vide p' Lambert en son *Eiren-
archa*, l. 1. c. 3.

Conservator of the Peace.

Conservator of the Peace is he
that hath an especial charge
by virtue of his Office to see the
King's Peace kept. Which
Peace in effect is defined to be,
A withholding or abstinence
from that injurious force and
violence that unruly and boiste-
rous men are in their natures
prone to use towards others,
were they not restrained by
Laws and fear of Punishment.
Of these Conservators Lambert
farther saith, That before the
time of King E. 3. who first ap-
pointed Justices of Peace, there
were sundry persons who by the
Common Law had interest in
keeping of the Peace. Of those,
some had that charge as incident
to their Offices, and so inclu-
ded within the same, and yet
notwithstanding were called by
the name of their Office onely;
others had it simply, as of it
self, and were thereof named
Custodes Pacis, Wardens or Con-
servators of the Peace. And
both these sorts are again subdi-
vided by Lambert in his *Eirenar-
cha*, l. 1. c. 3.

Conservator of the Truce.

Conservator of the Truce was an Officer appointed in every Port of the Sea under the King's Letters Patents, and had 40. li. for his yearly stipend at the least. His charge was to enquire of all Offences done against the King's Truce and Safe conducts upon the main Sea, out of the Countries and Liberties of the Cinque-Ports of the King, as the Admirals have accustomedly done; and such other things as are declared Anno 2 H. 5. c. 6. Touching this matter you may read the other Statute of Anno 4 H. 5. c. 7.

Consideration.

Consideration is the material cause of a Contract, without which no Contract can bind the party. This consideration is either expressed, as when a man bargains to give twenty shillings for an horse: or is implied, as when the Law it self enforces a Consideration; as if a man comes into a common Inn, and there staying some time, takes meat or lodging, or either, for himself or his horse, the Law presumes he intends to pay for both, notwithstanding that nothing be covenanted between him and his Host, and therefore if he discharges not the house, the Host may stay his horse.

Conservator del Truce.

Conservator del Truce fuit un Officer constitute en chescun Port del Mere soubz les Letters Patents le Roy, & ad 40. li. p son annual salarie al meins. Son charge fuit d'enquiere de tous Offences faits envers le Truce & Safe conducts del Roy sur le plein Mere, hors des Pais & hors des Franchises del Cinque-Ports le Roy, come les Admirals de custome ont use de faire; & tiels ausi choses cõe sont declare Anno 2 H. 5. c. 6. Touchant cest chose poyes lier l'autre Statute de Anno 4 H. 5. c. 7.

Consideration.

Consideration est l'essentiel cause d'un Contract, sans le quel nul Contract peut lier le partie. Ceo Consideration est ou expresse, sicõe quāt un hōe bargaine a done vint soulz p ū Chival: ou est imply, sicõe quant le Ley m enforce ū Consideration; cõe si un hōe vient ē ū comon Hostel, & la comorant asc' tēps, prist viands & gisure, ou asc', p luy mesme ou son chival, le Ley presume q il entend a payer p ambideux, nient obstant riens soit covenant perenter luy & son Hostler, & p c' sil ne discharge pas le meason, le Hostler peut retair son chival.

Auy

Auxy la est *Consideration* d nature & sanke, & Valuable *Consideration*: & p ceo si hōe soit ender a divers auts, & nient obstant, ē *consideration* d natural affection, done tous ses biens a son firs ou cousin, ceo serra entēd destre un fraudulent Done deins l'Act de 13 Eliz. c. 5. p ceo q cest Act entēd ū Valuable *Consideration*.

Also there is *Consideration* of nature and bloud, and Valuable *Consideration*: and therefore if a man be indebted to divers others, and yet, in *consideration* of natural affection, gibes all his goods to his son or cousin, this shall be construed a fraudulent Gift within the Act of 13 Eliz. c. 5. because this Act intends a Valuable *consideration*.

Consistory.

Consistory est ū parol emprunt del Italiano, ou plus tost Lombards, & signifie tant come *Prætorium*. Est *vocabulum utriusque Juris*, & est use p le lieu del Justice en les Courts Esprituels ou Christians.

Consistory.

Consistory is a word borrowed of the Italians, or rather Lombards, and signifies as much as *Tribunal*. It is *vocabulum utriusque Juris*, and is used for the place of Justice in the Courts Christian or Spiritual.

Consolidation.

Consolidation est use p le Combinancie & unificence d deux Benefices ē un: & cest parol est prise d le Ley Civile, ou il pmt signifie ū Uniting del possession, occupation, ou pfit, ove le pperitie. Come si home ad p Legacie *usum fructum fundi*, & puis purchase le Propertie ou Fee-simple del Heire; en cest case un Consolidation est fait des Profits & Propertie. Vide Brook, tit. Union.

Consolidation.

Consolidation is used for the Combining and uniting of two Benefices in one: and this word is taken from the Civil Law, where it properly signifies an Uniting of the possession, occupation, or profit, with the property. As if a man hath by Legacy *usum fructum fundi*, and after purchases the Property or Fee-simple of the Heir; in this case a Consolidation is made of the Profits and Property. Vide Brook, tit. Union.

Conspiracie.

Conspiracie, notwithstanding that in Latine and French it is used for an Agreement of men to doe a good or evil thing, yet it is commonly taken in our Law in the evil part; and is defined in 34 E.1. Stat.2. to be an Agreement of such as confeder or bind themselves by Oath, Covenant, or other alliance, that every of them shall bear and aid the other falsly and maliciously, to indite, or falsly to move or maintain Pleas; and also such as cause Children within age to appeal men of Felony, whereby they are imprisoned and sore grieved; and such as maintain men in the Country with Liberties and fees to maintain their malicious enterprises: and this extends as well to the takers, as to the givers. Also Stewards and Bailiffs of great Lords, who by their Seigniorie, Office or power, undertake to bear or maintain Quarrels, Pleas or Debates, that concern other parties then such as touch the Estate of their Lords, or of themselves. Anno 4 E. 3. c. 11. 3 H. 7. c. 13. And hereof see more, 1 H. 5. c. 3. 18 H. 6. c. 12. also in the old Book of Entries, word Conspiracie.

This word in the places before rehearsed is taken more generally, and is confounded with Maintenance and Champerty; but

Conspiracie.

Conspiracie, nient obstant q̄ ē Latine & Francois est use p̄ ū Agreement des homes a faire un chose bone ou male, uncore il est comunement prise ē nre Ley en le male part; & est define en 34 E.1. Stat.2. destre un Agreement de tiels q̄ confederont ou lieront eux mesmes p̄ Serement, Covenant, ou aŭ alliance, q̄ chesc' de eux portera & aidera lautre fauxm̄t & maliciousem̄t, d'enditer, ou fauxm̄t a mover ou maintenir Plees; & aŭ tiels q̄ causant Enfants deins age d'appeler hōes d' Felony, p̄ q̄ ils sont imprisō & durement grieve; & tiels q̄ reteignent gents ē le Pais ove Liveries ou Fees de maintenir leur Actions malicious: & ceo extend cybien a les prisors, cōe les donors. Auſ Seneschals & Reeves d' grand Sñs, q̄ p̄ leur Seignirie, Office, ou poyar, assume d' porē ou maintenir Quarrels, Plees ou Debates, q̄ concernont aŭ parties que tiels q̄ touchant l'Estate de leur Sñrs, ou d'eux mesmes. Anno 4 E. 3. c. 11. 3 H. 7. c. 13. Et d' ceo veies pluis, 1 H. 5. c. 3. 18 H. 6. c. 12. auxy en le veiel Livre de Entries, verb' Conspiracie.

Cest pol en les lieux devāt rehearse est prise pluis generalm̄t, & est confound ove Maintenance & Chāpertie; mes en

en ū pluis special significatiō
il est prise p̄ ū Confederacie
penē deux ou plusors, fauxm̄t
endit̄ ū, ou d̄ pcurer ū destre
endit̄ d̄ Felony. Et le pu-
nishm̄t d̄ Conspiracie sur un
Indictm̄t de Felony al Suit le
Roy est, Que le partie attaint
p̄dera son frank ley, al entent
q̄ il ne soit impannel sur Ju-
ries ou Assises, ou tiels sem-
blables employm̄ts, p̄ le testi-
fication del voyertie: & sil ad
a faire ē le Court le Roy, q̄ il
fait son Attorney; & q̄ les
fres, biens & chattels sōt sei-
sie ē les mains le Roy, les fres
estreape, ses arbres desosse, &
son corps commise al prison.
27 lib. Assise 59. *Crompton*
156. b. ceo est appel villanous
Judgment. Mes si le partie
grieve voyle suer un Brief
de Conspiracie, donque
veies *Fitzh. Nat. Brev.* 114. d.
115. i, &c.

Constable.

Constable est diversement
Cuse ē le Common Ley. Et
primerm̄t, le Constable d' *An-*
gleterre, q̄ est auxy appel Mar-
shal, *Stawn. Pl. Cor. fol. 65.* de
l'authoritie & dignitie de
quel hōe poit trover plusors
arguments & signes, cybien ē
les Statutes, come les *Chro-*
nicles d̄ c' *Royalm.* Son poyar
consist en le care del common
Peace del Tfe, ē Faits mar-
shal, & choses d̄ Chivalry,
Lamb. Duties de Constab. num. 4.

in a more special significatiō
it is taken for a Confederacy be-
tween two or more, falsely to in-
dict one, or to procure one to be
indicted of Felony. And the
punishment of Conspiracy upon
an Indictment of Felony at the
Suit of the King is. That the
party attainted shall lose his
frank law, so that he shall not
be impannelled upon Juries or
Assises, or such like employ-
ments, for testifying of the
truth: and if he hath to doe in
the King's Court, he shall make
his Attorney; and his lands,
goods and chattels shall be seized
into the King's hands, his
lands estreaped, his trees digged
up, and his body committed to
prison. 27 lib. Assise 59. *Crompton*
156. b. this is called villanous
Judgment. But if the party
grieved will sue a Writ of Con-
spiracy, then see *Fitzh. Nat. Brev.*
114. d. 115. i, &c.

Constable.

Constable is diversely used in
the Common Law. And
first, the Constable of Eng-
land, who is also called Mar-
shal, *Stawn. Pl. Cor. fol. 65.* of
whose authority and dignity a
man may find many arguments
and signs, as well in the Sta-
tutes, as in the *Chronicles* of
this Realm. His power con-
sists in the care of the common
Peace of the Land, in deeds of
Arms, and matters of War:
Lamb. Duties of Constables, num. 4.
where

wherewith agrees the Statute of 13 R. 2. c. 2. Stat. 1. Of this Officer or Magistrate, Gwyn, in the Preface to his Readings, saith to this purpose; The Court of the Constable and Marshall determines Contracts touching Deeds of arms out of the Realm, and handles things concerning Wars within the Realm, as Combats, Blazons of armor, and such like; but he hath nothing to doe with Battell in appeal, nor generally with any other thing that may be tried by the Law of the Land. De Fortesc. c. 32. This Office heretofore was appertaining to Lords of certain Manors Jure feudi; and why it is discontinued, see Dyer 285. pl. 39.

Out of this Magistracie (saith Lambert) were drawn these inferior Constables, which we call Constables of Hundreds and Liberties, and first ordained by the Statute of Winchester 13 Edw. 1. which appoints for the conservation of the Peace, and view of Armour, two Constables in every Hundred and Liberty; and these are at this day called High Constables, because the increase of people and offences hath again under these made others in every Town, called Petie Constables, who are of the like nature, but of inferior authority to the other.

Besides these, there are Officers of particular places called

ove que agree le Statute de 13 R. 2. ca. 2. Stat. 1. De ceo Officer ou Magistrate, Gwyn, en le Preface a ses Lectures, dit a tiel effect; Le Court de Constable & Marshall finist Contrasts touchant Faits de chivalrie hors del Royalme, & treat choses concernont Guerres deins le Royalme, come Combats, Blasons de armory, & tiels semblables; mesil nad a faire ove Battell en appeale, ne genalmt ove aucun aut chose que poit estre trie per les Leyes del Tre. Veies Fortescue cap. 32. Cest Office en temps par devant fuit apperteynant al Sfrs de certain Manors Jure feudi; & pur quel cause c' discontinue, veies Dyer 285. Pl. 39.

Hors de cel Magistracie (dit Lambert) fuer' trahe ceux south Constables, les quels nous appellomus Constables des Hundreds & Franchises, & primermt ordein p l' Statute de Winchester 13 E. 1. le quel appoint p le conservation del Peace, & view d' Armour, deux Costables e chesc' Hundred & Franchise; & ceux sont a cest jour appel Alt Constables, p ceo que le increase des gents & peches ad arere south ceux fait auts en chesc' Vill', appel Petit Constables, queux sont de semblable nature, mes de inferior authority al autre.

Ouster ceux, la sont Officers de particular lieux appel per

per cest noſme ; come Conſtable del Tower, *Stawn.* 152. 1 H. 4. 13. Conſtable de Exchequer, 15 H. 3. St. 5. Conſtable de Dover Caſtle, *Camb. Brit.* p. 239. F. N. B. autrement appelle Caſtellaine. *Manwood* part 1. c. 13. de ſes *Les del Foreſt*, fait mention d' un Conſtable del Foreſt.

by this name ; as Conſtable of the Tower, *Stawn.* 152. 1 H. 4. 13. Conſtable of the Exchequer, 15 H. 3. Stat. 5. Conſtable of Dover Caſtle, *Camb. Brit.* p. 239. F. N. B. otherwiſe called Caſtellain. *Manw.* part. 1. cap. 13. of his Foreſt Laws, makes mention of a Conſtable of the Foreſt.

Conſuetudinibus & Servitiis.

Customes and Services.

Conſuetudinibus & Servitiis eſt un Bſe, & gift lou jeo ou mes anceſtors, depuis le limitation d' Aſſiſe, (ſquel veies le Title de *Limitation* en le Collection de Statutes) ne fueront ſeiſes des Customes ou Services de mon Tenant devant ; doncs jeo aver cest Bſe ꝑ recover' ceux Services.

Auxy le Tenant poit aver cest Bſe vers ſon Seignior ; mes apres que le Tenant ad count, le Seignior defendera les mores del Count, & repliant dirra, que il ne diſtreina pas pur les Customes dont le Count eſt ; & donques il countera tout le Count de les Customes & Services ; & donques le Tenant, que ſuit Plaintiff, deviendra Defendant, & defendra per Barraile ou grand Aſſiſe.

Customes and Services is a Writ, and lies where I or my aunccestors, after the limitation of Aſſiſe, (for which is the Title of Limitation in the Collection of Statutes) were not ſeiſed of the Customes or Services of the Tenant before ; then I ſhall have this Writ to recover thoſe Services.

Alſo the Tenant may have this Writ againſt his Lord ; but after the Tenant hath declared, the Lord ſhall defend the words of the Declaration, and replying ſhall ſay, that he diſtrained not for the Customes whereof the Declaration is ; and then he ſhall declare all the Declaration of the Customes and Services ; and then the Tenant, who was Plaintiff, ſhall become Defendant, and ſhall defend by Battel or great Aſſiſe.

Conſultation.

Consultation.

Conſultation eſt un Bſe, ꝑ q ū Cauſe eſteant ꝑ de-

Conſultation is a Writ, whereby a Cauſe being formerly

merly removed by Prohibition out of the Ecclesiastical Court, or Court Christian; to the King's Court, is returned thither again: For if the Judges of the King's Court, comparing the Libell with the Suggestion of the party, finde the Suggestion false, or not proved, and therefore the Cause to be wrongfully called from the Court Christian; then, upon this Consultation or Deliberation, they decree it to be returned again; whereupon the Writ in this case obtained is called a Consultation. Of this you may reade the Regist. Orig. fol. 44. untill fol. 58. Old Nat. Brev. fol. 32. & Fitz. Nat. Brev. fol. 70.

Contenement.

Contenement seems to be the Freehold-land that lies to the Tenement or Dwelling-house that is in his own occupation: for in Magna Charta, cap. 14. there are these words; A Free-man shall not be amerced for a small fault, but according to the quantity of the fault, and for a great fault, according to the manner thereof, saving to him his Contenement or Freehold: And a Merchant shall not be amerced, saving to him his Merchandizes; and a Villain, saving to him his Wainage.

vant remove per Prohibition hors del Court Ecclesiastical, ou Court Christian, al Court le Roy, est la returne arere: Car si les Judges del Court le Roy, comparont le Libell ové le Suggestion del partie, trouvant le Suggestion faux, ou nient prove, & par ceo le Cause destre tortiousment appel del Court Christian; donque, sur ceo Consultation ou Deliberation, ils decree ceo destre returne arere; sur que le Brief en ceo case obtaine est appel un Consultation. De ceo vous voyez lier le Regist. Orig. fol. 44. jelsque fol. 58. Vet. Nat. B. fo. 32. & F.N.B. fo. 50.

Contenement.

Contenement semble destre le Franktenement terre & gift al Teneant ou Meason & est en son occupacion demesne: car en Magna Charta, cap. 14. la sont ceux parols; un Frank home ne serra amercie par un petit offence; mes accordant al quantite del offence; & par un grand offence, accordant al maner de ceo, savant a luy son Contenement ou Franktenement: Et un Merchant serra amercie, savant a luy ses Merchandises; & un Villain, savant a luy son Gainage.

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Countermand, ou Countermand.

Countermand est; quant chose execute par devance est apres per aucun act de ceremony frustrate per le partie que ad ceo primes fait. Come si home ad fait son darreins Volunt, per que il devise son Terre a J. S. & puis il en feust aucter home d' mesme le Terre, per ceo Feoffment est un Countermand al Volunt, & le Volunt quant al disposicion del Terre est voidé. Si feme seisie de Terre en feust la Volunt en eschipe, & per ceo devise que si M. de B. fuy survivera, donque el devise & bequeath a luy & a les heires sa Terre, & apres el entermarrie dove le dit A. de B. ore, pur prisel de luy a baron & couverture a temps de sa mort, le Volunt est countermand.

Mas si un Baronesse widow retient deux Chaplains selonc le Statute, & prist un de Nobility a baron, & puis le baron morist, le Retainer de ceux deux Chaplains remaine, & ils sans novel Retenir poyent prendre deux Benefices; car Jour Retenir ne fust determine ne countermand per tel Marriage.

Si feme fist Lease a volunt, & puis prist baron, ceo Marriage nest Countermand al Lease,

Countermand, or Countermand.

Countermand is; where a thing formerly executed is afterward by some act or ceremony made void by the party that hath first done it. As a man hath made his last will whereby he devises his Land to J. S. and afterwards he infests another of the same Land; then this feoffment is a Countermand to the will, and the will as to the disposition of the Land is void. If a woman seised of Land in fee makes a will in writing, and devises that if A. of B. survives her then she devises and bequeaths to him and his heirs her Land, and afterward she entermarries with the said A. of B; there by taking him to husband and couverture at the time of her death, the will is countermanded.

But if a Baronesse widow retains two Chaplains according to the Statute, and takes one of the Nobility to husband, and afterwards the husband dies, the Retainer of those two Chaplains remains, and they without new Retainer may take two Benefices; for their Retainer was not determined nor countermanded by such Marriage.

If a woman makes a Lease at will, and afterward takes a husband, this Marriage is not Countermand to the Lease with

without expresse matter done by the husband after the Marriage to determine the Will. If it a Lease be made at will to a woman, and she takes an husband, the Lease continues notwithstanding the Marriage, and it is no Countermand thereto.

Counterplea, or Counterplea.

Counterplea is, when one brings an Action, and the Tenant in his Answer and Plea vouches or calls any man to warrant his Title, or prays aid of another who hath bet- tle Estate then he, as of him self is in the Reversion; or if one that is a stranger to the Action come and pray to be received to save his Estate; if the Demandant reply thereto, and shew cause that he ought not to vouch such a one, or of such a one to have aid, or that such a one ought not to be received; this Plea is called a Counterplea to the Voucher, *Id.* Rescise, as the case is. But when the Voucher is allowed, the Tenant comes in and demands what cause the Tenant hath, and the Tenant shew his cause, and the Tenant pleads any thing to the Warranty; that is called a Counterplea to the War-

sans expresse matter fait per le baron apres le Marriage a determiner le Volunt. Auxy si Lease soit fait al feme a volunt, & el prist baron, le Lease continue nient obstant le Marriage, & il nest Countermand al ceo.

Counterplee, on Counterplee.

Counterplee est, lou un port un Action, & le Tenant en son Respons & Plee vouch ou appel asc' home pur garant son Title, ou praver ayd de aut que ad melior Estate, come de cestuy en la Reversion; ou si un estrange al Action vient & priera destre resciev' de saver son Estate; si le Demandant reply a ceo, & monst' cause que il ne doit tiel home vouch, ou de tiel home aide aver, ou que tiel home ne doit este resciev'; cest Plee est app el un Counterplee al Voucher, Ayde, ou Rescise, come le case est. Mes quant le Voucher soit allow, & le Vouchee vient eins & demande quel chose le Tenant ad de luy vouch, & le Tenant monst' son cause, & le Vouchée plede aucun matter de avoide le Garrantie; c' est appel Counterplee del Garrantie.

Continual claime.

Continual claime est, lou home ad droit de enter en certain terres dont un auē est seisie en Fee, ou Fee-taile, & il ne ofast enter pur pavour de mort ou batterie, mes approche cy pres come il ofast, & fait Claime a ceo deins le an & jour deyant le mort de cestuy que ad le terre; si apres cestuy que ad le terre devie seisie, & son Heire est eins per discent, uncore cestuy que fait tiel Claime poit enter sur le Heire, nient contrestant tiel discent, p ceo q il ad fait tiel Continual claime. Mes il covient que cest Claime routs foits soit fait deins l'an & jour devant le mort le Tenant; car si tiel Tenant ne morust seisie deins l'an & jour apres tiel Claime fait, & uncore il que ad droit nofast enter, donques covient al cestuy que ad tiel droit de faire antier Claime deins l'an & jour apres l'primer Claim, & apres tiel second Claime, de faire le tierce Claime deins l'an & jour, si il voit este sure de savor son Entry.

Mes si le Disseisor devie seisie deins l'an & jour apres le Disseisin, & nul Claime fait, donques le Entry le Disseisee est tolle, car l'an & jour ne serra prise de le temps del title

Continual claim.

Continual claim is, where a man hath right to enter in to certain lands whereof another is seised in fee, or fee-tail, and dares not enter for fear of death or beating, but approaches as nigh as he dares, and makes Claim thereto within the year and day before the death of him that hath the lands; if after he who hath the land die seised, and his Heir is in by discent, yet he that makes such Claim may enter upon the Heir, notwithstanding such discent, because he hath made such Continual claim. But such Claim must always be made within the year and the day before the death of the Tenant; for if such Tenant do not die seised within a year and a day after such Claim made, and yet he that hath right dares not enter, then it behoves him that hath such right, to make another Claim within the year and day after the first Claim, and after such second Claim, to make the third Claim within the year and day, if he will be sure to save his Entry.

But if the Disseisor die seised within the year and day after the Disseisin, and no Claim made, then the Entry of the Disseisee is taken away, for the year and day shall not be taken from the time of the title

of the Entry to him grown, but only from the time of the last Claim by him made, as is afore-
said. See more hertof in Litt. li. 3. c. 7. and see the Stat. 32 H. 8. cap. 33.

de Entrée a luy accrue, mes-
sément de le temps del dar-
rain: Claim p luy fait, come
est avantdir. Veies plus d'
c'en Litt. l. 3. c. 7. & veies
le Stat. 32 H. 8. cap. 33.

Continuance.

Continuance.

Continuance in the Common Law is of the same signifi-
cation with Prorogatio in the
Civil: as Continuance untill
the next Assise, Fitz. Nat. Brev.
154. f. and 244. d. in both which
places it is said. That if a Re-
cord in the Treasurie be alledged
by the one party, and denied by
the other, a Certiorari shall be
sued to the Treasurer and the
Chamberlain of the Exchequer;
and if they do not certifie in the
Chancery that such Record is
there, or that it is like to be in
the Tower, the King shall send
to the Justices, repeating the
said Certificate, and command-
ing them to continue the As-
sise. In this signification it
is also used by Kitchen, 202.
and 199. also Anno 11 H. 6.
cap. 4.

Continuance en le Com-
mon Ley est de mesme
signification ove Prorogation
en le Civile: come Continuan-
ce jésq le pcheine Assise,
F. N. B. 154. f. & 244. d.
E queux ambideux lieux il est
dit, Que si un Record en le
Treasurie soit alledge p l'un
party, & denie p l'auter, un
Certiorari serra sue al Treas-
urer & le Chamberleine de
Exchequer; & s'ils ne certifie
pas en le Chancerie que tiel
Record est la, ou que est sem-
blable estre en le Tower, le
Roy mettra al Justices, re-
citant le dit Certificate, &
commandât eux de continuer
le Assise. En ceo signifi-
cation est auxy use per Kitchen,
202. & 199. auxy An. 11 H.
6, cap. 4.

Contract.

Contract.

Contract is a Bargain or
Covenant between two
parties, where one thing is
given for another, which is
called Quid pro quo; as
if I sell my Horse for mo-
ney, or if I covenant to make
you a Lease of my Mannor of

Contract est un Bargaine ou
Covenant perent deux
parties, lou un chose est done
pur auter, que est appel Quid
pro quo; come si jeo vende
mon Chival pur argent, ou
si jeo covenant de faire Lease
a vous de mon Mañor de

Dale, en cōsideration de xx l. q̄ vous dones a moy, ceux sōt bone Contracts, pur cēo q̄ il ad un chose pur auter. Mes si un home fait p̄mise a moy, q̄ jeo avera xx s. & q̄ il voile este dettour a moy d̄c, & puis jeo demāde xx s. & il ne voyle a moy deliver; uncore jeo navera james Action p̄ recover cest xx s. p̄ ceo q̄ cest Promise ne fuit Contract, mes *nudum Pactum*, & *Ex nudo Pacto non oritur Actio*. Mes si ascun chose fuit done pur le xx s. mesque il fuit forsque al value un denier, donques il fuit bone Contract.

Contra formam Collationis.

C*ontra formam Collationis* Cest un Brief q̄ gift lou home done Terres en perpetual Almoigne a ascun Meason de Religion, cōe a un Abbe & la Covent, ou auē Sovereigne, ou al Gardien ou Master de ascun Hospital & sō Covent, de trover certain pover homes, & de faire auē Divine service; s̄ils alien les Terres, doncs le Donor ou ses heires averōt le dit Brief p̄ recover le Terre. Mes cest Brief serra tous foits port vers le Abbot ou sō successor, & nemy vers l'Alienee, com̄t que il soit Tenant: mes en rēuts auters Actions lou hōe demand Franktenement, le

Dale, in consideration of twenty pound that you shall give me, these are good Contracts, because there is one thing for another. But if a man make promise to me, that I shall have xx s. and that he will be debtor to me thereof, and after I ask the xx s. and he will not deliver it; yet I shall never have any Action to recover this xx s. because this Promise was no Contract, but a bare Promise, and *Ex nudo Pacto non oritur Actio*. But if any thing were given for the twenty shillings, though it were but to the value of a penny, then it had been a good Contract.

Contra formam Collationis.

C*ontra formam Collationis* is a writ that lies where a man hath given Lands in perpetual Almes to any of the late Houses of Religion, as to an Abbot and Covent, or other Sovereign, or to the Warden or Master of any Hospitall and his Covent, to find certain poor men, and to doo other Divine Service; if they alien the Lands, then the Donor or his heirs shall have the said writ to recover the Land. But this writ shall be alway brought against the Abbot or his successor, and not against the Alienor, although he be Tenant: but in all other Actions where a man demands freehold, the

Writ shall be brought against the Tenant of the Land. See the Stat. West. 2. cap. 41.

Brief sera porté vers le Tenant del Terre. Vide le Stat. West. 2. cap. 41.

Contra formam Feoffamenti.

Contra formam Feoffamenti.

Contra formam Feoffamenti is a Writ that lies where a man befoze the Statute of Quia emptores terrarum; made 18 Edw. 1. infeoffed another by Deed to doe certain Service; if the Feoffor or his heirs distrain him to doe other Service then is comprised in the Deed, then the Tenant shall have this Writ, commanding him not to distrain him to doe other Service then is comprised in the Deed. But this Writ lies not for the Plaintiff who claims by purchase from the first Feoffor, but for the Heir to the first Feoffor.

Contra formam Feoffamenti est un Brief q gist lou un hoim devant le Statute de Quia emptores terrarum, fait 18 Ed. 1. infeoffee au p Fait de faire certain Service; si le Feoffor ou ses heirs distraint luy de faire auter Service q est comprise en le Fait, donques le Tenant avera cest Bfe, luy commandant que il ne distraint luy de faire auter Service que nest comprise deins le Fait. Mes cest Brief ne gist pur le Plaintiff que claime p purchase del primer Feoffee, mes pur le Heire al primer Feoffee.

Contributione facienda.

Contributione facienda.

Contributione facienda is a Writ that lies where there are divers Parceners, and he who hath the part of the eldest makes all the suit to the Lord, the others ought to make Contribution to him, and if they will not, he shall have against them this Writ. In some cases the Heir shall have Contribution, and in others not, but shall be alone charged: For if a man be seised of three Acres of land, and acknowledges a Recognisance or Statute, &c.

Contributione facienda est un Brief, & gist lou sōc divers Parceners, & celuy que ad le part del eigne fait tout le suit al Seignr, les auters doyent faire Contribution a luy, & s'ils ne voylent, il avera vers eux le dit Bfe. En ascuns cās le Heire avera Contribution, & en auters nemy; mes sera solement charge: Car si home soit seise de troys Acres de terre, & conist un Recognisance ou Statute, &c.

& enseoffe A. d' un Acre, & B. d' un autre Acre, & le tierce descend a son Heire; si Execution soit sue seulement vers le Heire, il n' avera Contribution vers aucun Purchasor, uncore il est charge come Terre-tenant, & nemy come Heire; car le Terre, & nemy luy mesm, est lie.

Uncore si home soit seife de deux Acres, l' un de nature de Burrough-English, & lye luy mesm come devā, & morust, ayant issue deux filz, queux sont partition; en cest case, si l' un soit charge, el avera Contribution; car sicome un Purchasor avera Contribution vers auters, & vers le Heire le Conusee auxy; issint un Heire avera Contribution vers autre Heire, car ils sont *in æquali gradu*. Auxy si home soit issint lie, & puis son mort asc' de son terre descend al Heire d' l part le pere, & aucun al Heire del part le mere, l' un seulement ne serra charge, mes sil soit, il avera Contribution. En Power, si le Tenant vouch le Heire en gard a troys severall Seigniors, chescū serra owelsm charge.

Si deux, quat, ou plusors homes soyēt severallm seife de Terre, & ils tous joynt ē un Recognissāce; en cest case le Conusee ne peut extend le Terre del asc' des Conusors seulement, mes tous doivent

and inseoffs A. of one Acre, and B. of another Acre, and the third descends to his Heir; if Execution be sued against the Heir onely, he shall not have Contribution against any Purchasor, yet he is charged as Terre-tenant, and not as Heir, for the Land, and not himself, is charged.

Pet if a man be seised of two Acres, the one of the nature of Burrough-English, and bind himself as before, and dies, having issue two daughters, who make partition; in this case, if the one be charged, she shall have Contribution: for as one Purchasor shall have Contribution against others, and against the Heir of the Conusee also; so one Heir shall have Contribution against another Heir, for they are in equall degree. Also if a man be so bound, and after his death some of his land descends to the Heir of the part of the father, and some to the Heir of the part of the mother; the one alone shall not be charged, but if he be, he shall have Contribution. In Power, if the Tenant vouches the Heir in ward to three severall Lords, each of them shall be equally charged.

If two, four, or more men be severally seised of Land, and they all joynt in a Recognisance; in this case the Conusee cannot extend the Land of any of the Conusors alone, but all ought equally

equally to be charged: for though the Land of the Conusor himself may be, onely extended when divers men have purchased any of the Land subject to the Recognisance, because the Purchasor is in another degree than the Conusor himself; yet one of the Conusors shall not be solely charged, for he stands in equal degree with the other Conusors. If Judgement be given against two Disseisors in Assise for the Land and damages, and one Disseisor dies, the Execution shall not be awarded against the surviving Disseisor that was party to the wrong, but as well the Heir as the Disseisor shall be equally charged. But otherwise it is in personal binding; as if two are bound in an Obligation, there the charge shall survive.

And where it is said, that the one Purchasor shall have Contribution, it is not thereby intended, that the others shall give or allow unto him any thing by way of Contribution; but it ought to be intended, that the party that is solely extended for all may by an Audita querela, or Scire facias, as the case requires, defeat the Execution, and thereby shall be restored to all the mean profits, and force the Conusor to sue Execution of all the Land; so in this manner every one shall be contributory, viz. the Land of every Terre-Tenant shall be equally extended.

owelment estre charge: car comit que le Terre del Conusor mesme soit este solement extend qnt divers hōes ont purchase ascun del Terre subject al Recognisance, par ceo q le Purchasor est en autre degree que le Conusor mesme; uncore un de les Conusors ne serra solement charge, car il estoit en owel degree ove les autres Conusors. Si Judgement soit done vers deux Disseisors en Assise pur l' Terre & damages, & lun Disseisor morust, l' Execuc' ne serra agard vers le surviving Disseisor q fuit party al tort, mes cybien le Heir com le Disseisor serra owelment charge. Mes autrement est en psonal lien; come si deux sont lie en un Obligac', la le charge survivera.

Et ou est dit, que l' un Purchasor avera Contribution, nest per ceo entend, q les autres donneront ou aloweront a luy ascun chose p voy de Contribution; mes doit estre entend, q le prie q est solement extend p tout poit per Audita querela, ou Scire facias, come l' case require, defeat l' Execution, & per ceo serra restore a tous les mesme pfts, & chaser le Conusor de suer Execution de tout le Terre: issint en cest maniere chesc' serf contributory, cestascavoir, le Terre de chesc' Terre-tenant serra owelment extend.

Convocation.

Convocation est communement prise p^r l'Assemblée d' tous les Clerks p^r consul^t d' choses Ecclesiasticall eⁿ tēps de Parlemt^{nt} : Et sicōe la sont deux Measōns de Parlemt^{nt}, issint la sont deux lieux appel Measōns de Cōvocation ; l'ū appel le plus Alt Measōn d' Convocation, ou les Archev^{eqs} & Ev^{eqs}ques sedont sēv^{er}alment per eux mesm^s ; l'aut l'Inferior Measō de Cōvocation, ou tout le residue des Clerks sedont. *Vid. Prolocutor.*

Conusance.

Conusance de Plee est un Priviledge q^{ue} un Citie ou Ville ad per grant le Roy, de tēn Plee de tous Contrads, & des Terres deins le precinct del Franchise, & q^{ue} q^{ue}nt aucun home est impleade p^{ar}asc^{iel} tiel chose en le Court le Roy al *Westminster*, les Maiors ou Baylifes de tiels Franchises, ou leur Attornies, poient demander Conusance del Plee, cestascavoir, q^{ue} le Plee & le matter serra plead & determin devant eux.

Mes si le Court al *Westminster* soit loyalment seise del Plee devant que Conusance soit demand, donqs ils ne averont Conusance pur cest Suit, p^{er} c^{est} q^{ue} ils ont neglige leur tēps d' demand c^{est} :

Convocation.

Convocation is commonly taken for the Assembly of all the Clergy to consult of Ecclesiasticall matters in time of Parliament : And as there are two Houses of Parliament, so there are two places called Convocation-houses ; the one called the Higher Convocation-house, where the Archbishops and Bishops sit severally by themselves ; the other, the Lower Convocation-house, where all the rest of the Clergy sit. *Vide Prolocutor.*

Conusance.

Conusance of Plea is a Priviledge that a City or Town hath by the King's grant, to hold Plea of all Contrads, and of Lands within the precinct of the Franchise, and that when any man is impleaded for any such thing in the Court of the King at Westminster, the Maiors or Bailiffs of such Franchises, or their Attornies, may ask Conusance of the Plea, that is to say, that the Plea and the matter shall be pleaded and determined before them.

But if the Court at Westminster be lawfully seised of the Plea before Conusance be demanded, then they shall not have Conusance for that Suit, because they have neglected their time of demand thereof :

but this shall be no bar to them to have Conusance in another Action; for they may demand Conusance in one Action, and omit it in another, at their pleasure.

And note, that Conusance lies not in Prescription, but it behooves to shew the King's Letters Patents for it.

Coparceners.

Coparceners. Dce Parce-
ners.

Copyhold.

Copyhold is a Tenure for which the Tenant hath nothing to shew but the Copies of the Rolls made by the Steward of his Lord's Court: for the Steward, as he iurrolls all other things done in his Lord's Court, so he doth also such Tenants as are admitted in the Court to any parcel of Land or Tenements belonging to the Manor; and the Transcript of this is called the Court-Roll, the Copy whereof the Tenant takes from him, and keeps as his onely Evidencce. Coke l. 4. fol. 25. This Tenure is called a Base tenure, because it holds at the will of the Lord. Kitchen, fol. 80. Fitzh. Nat. Brev. fol. 12. b. c. who saith, it was wont to be called Tenure in Villenage, and that this Copyhold is but a new name. Yet it is not Ample at the will of the Lord, but

mes cest ne serra barre al euz d'aver Conusance e aut Action; car ils poyent demand Conusance en un Action, & omyr ceo e un autre, a leur pleasure.

Et nota, que Conusance ne gist e Prescription, mes il coyient monstre Letters Patents le Roy pur ceo.

Coparceners.

Coparceners. Vcics Parce-
ners.

Copyhold.

Copyhold est un Tenure p que le Tenant ad riens a monstrier fors q les Copies des Rolles fait p le Seneschal del Court son Sñr: Car le Seneschal, sicome il enroll' tous auts choses faits e le Court le Sñr, issint il auxy fait tiels Tenants q sont admitte e le Court a asc' parcel d Tfe ou Tenements apperteynant al Manor; & le Transcript d ceo est appel Court-Roll, le Copie de q le Tenant prist de luy, & detinet cõe son sole Evidẽce. Coke, l. 4. fol. 25. Cest Tenure est appel Base tenure, p ceo q tient al volunt le Sñr. Kitchen, fol. 80. Fitzh. Nat. Brev. fol. 12. b. c. q dit, q fuit accustomed estre appel Tenure en Villenage, & que cest Copyhold nest forsque un novel nomme. Uncore nest meurement al volunt le Sñr, mes ac-

accordant al Custōe del Manor; issint q̄ si ū Copyholder ne pas enfreint le Custome del Manor, & p̄ c' forfeit son Tenure, ne semble tant desloyer al volunt son Sñr p̄ son droit, cōe destre dislieu quant a luy pleist. Les Customs d̄ Manors sont infinite, variant en un point ou autre fere en chefc' several Manor.

Primermt, ascū Copyhold est fineable, & ascun certain. Ceo q̄ est fineable le Seignr assesse a quel Fine q̄ il voyle, quant le Tenant est a c' admit: ceo q̄ est certain est un sort d' inheritance, & appel ē plusors lieus Customary, p̄ c' q̄ le Tenant morant, & le Tenure esteant void, le pchein du sangue, payāt le customary Fine, ne poit estē denie destre admit.

Secondmt, asc' Copyholders ont per Custome les Boys crescant sur leur t̄re demesñ, quel per le Ley ils ne poyent aver.

Tiercemt, la sont Copyholders q̄ tient p̄ le Verge en Ancient demesne, & nient obstant ils tient per Copy, uncore ils sont en nature de Franktenants; car si tiel home fait Felony, le Roy ad an, jour, & wast, cōe en case de Franktenent. Asc' aufs tient p̄ Common Tenure, appell' mere Copyhold, & sils commit Felony, leur terre jammes escheatera al Sñr del Manor.

according to the Custom of the Manor; so that if a Copyholder break not the Custom of the Manor, and thereby forfeit his Tenure, he seems not so much to stand at his Lord's courtesse, for his right, as to be displaced when he pleases. The Customs of Manors are infinite, varying in one point or other almost in every several Manor.

First, some Copyhold is fineable, and some certain. That which is fineable the Lord rates at what fine he pleases, when the Tenant is admitted into it: that which is certain is a kind of inheritance, and called in many places Customary, because the Tenant dying, and the Hold being void, the next of blood, paying the customary fine, cannot be denied admittance.

Secondly, some Copyholders have by Custom the woods growing upon their own land, which by the Law they cannot have.

Thirdly, there are Copyholders that hold by the Mierge in Ancient demesne, and although they hold by Copy, yet they are in nature of freeholders; for if such a one commit Felony, the King hath the year, day, and waste, as in case of freehold. Some others hold by Common Tenure called mere Copyhold, and if they commit Felony, their land presently escheats to the Lord of the Manor,

Westm. part. 1. l. 2. sect. 646. defines a Copyholder thus; Tenant by Copy of Court-roll is he who is admitted Tenant of any Lands or Tenements within a Manor, that time without the memory of man, by use and custom of the said Manor, have been dimissible to such as will take the same in fee, fee-tail, for life, years, or at will, according to the Custom of the said Manor, by copy of Court-roll.

Coraage.

Coraage is an Imposition extraordinary, growing upon some unusual occasion, and seems to be of certain Measures of Corn. Bract. l. 2. c. 16. num. 6. uses *Corus tritici* for a measure of Corn; and in the same Chapter, num. 8. hath these words: There are certain common Prestations, which are not called Services, neither do they arise from Custom, unlesse some necessary occasion happen, or that the King comes: such are Hidage, Coraage, and Caruage, and many others which are performed in cases of necessity, by the common consent of the whole Kingdom, and which appertain not to the Lord of the Fee; nor is he bound to acquit his Tenant thereof, unlesse he hath specially tied himself thereto by his own Deed.

Westm. part. 1. l. 2. sect. 646. ainsi define un Copyholder; Tenant per Copy de Court-roll est celui qui est admis Tenant d'aucun Ties ou Tenements deins un Manor, que temps ouster le memorie du hōe, p use & custome del dit Manor, ont este dimissible as tiels q pnderont mesme Fee, fee-tail, p vie, ans, ou a volunt, accordant al Custome del dit Manor, per copy de Court-roll.

Coraage.

Coraage est un Imposition Cnient ordinary, foudue sur asc' nēt usul chose, & semble dēstre de certain Measures de Grain. Bract. l. 2. c. 16. num. 6. use ceux parols, *Corus tritici*, dēstre ū mesure d Grain; & ē mesme le Capit, num. 8. ad ceux parols: *Sunt enim quedam communes Prestationes, que Servitia non dicuntur, nec de Consuetudine veniunt, nisi ex necessitate intervenit, vel cum Rex venerit: sicut sunt Hidagia, Coragia, & Carnagia, & alia plura de necessitate, & ex consensu communi totius Regni introducta, & que ad Domini Fendi non pertinent; & de quibus nullus tenetur Tenentem suū ac quietare, nisi se ad hoc specialiter obligaverit in Charta sua.*

tain, where the certainty is not set down which he shall have.

And some of them began by Grant made by one man to another, and it may be for life years, in tail, or in fee : and some Corodies are of common right, as every Founder of Abbeys and other Houses of Religion had authority to assign such in the same Houses, for Father, Brother, Cousin, or other that he would appoint, if it were a House of Monks ; and if he were Founder of a House of Nuns, then for his Mother, Sister, or other woman : and always this was provided for, that he that had a Corodie in a House of Monks might not send a woman to take it ; nor where Corodie was due to a Nunnerie, there it was not lawful to appoint a man to receive it ; for in such cases such Presentation was to be rejected. And this Corodie was due as well to a woman person Founder, as where the King himself was founder. But where the House was holden in Frankalmoigne, there the Tenure it self was a discharge of Corodie against all men, except it were afterward charged voluntarily ; as when the King would send his writ to the Abbot for a Corodie for such a one, whom they admit, there the House should be there discharged for ever, whether the King were Founder or not. See the writ of Corodie habendo in Fitzh. Nat. Brev. fol. 30.

tain, lou nest limit le certaintie que il aver.

Et asc^d de eux commence p^r Graunt fait, p^r asc^d hō al aut, & pōer estre p^r vie, ans, taile, ou fee : & asc^d Corodies sont de comon droit, sicome chesc^r Founder d^r Abbeys & auts Measōns d^r Religion Papistick, avoyent authoritē d^r assigner uel ē mesm^e les Measōns, p^r son Pere, Frere, Cousin, ou aut qⁱ il voit, si il fuit u Measōn de Moines ; & si il soit Founder del Measōn de Nuns, donques ceo p^r la Mere, Soer, ou aut mulier : & tous jours cest proviso fuit, qⁱ il qⁱ ad Corodie ē un Measōn de Moines, ne duist mitter un feme de prendre ceo ; ne ou Corodie fuit due en u Nunnerie, la il ne fuit loyal d^r appointer un home de recevoir ceo ; car en ambideux cases tiel Presentation fuit destre reject. Et cest Corodie fuit due cybien a un comen p^rson Founder, sicōe ou le Roy m^e fuit Founder. Mes ou le Measōn fuit tenu en Frankalmoigne, la le Tenure m^e fuit un discharge d^r Corodie encontre tous hōes, sinon qⁱ il fuit aps charge voluntarint ; cōe ou le Roy voit mitter son Bre al Abbey p^r u Corodie p^r un tiel, le que ils admit, la le Measōn doit estre charge p^r ceo a tous jours, si le Roy soit Founder ou nemy. Veies Brief de Corodio habendo en Fitzh. Nat. Brev. fol. 30.

Cordwayner.

Cordiner vel Cordwayner
Cordenus del Francoys. Cord-
wayner. id est, Sutor, calce-
arius. de Cornage. quod Cor-
dwayn apud Gallos nomen fuit.
Et est uxor mulieris. nft
Sutor. eod. 2. 3. H. 8. 7. 1. d. 2.
3. H. 8. 7. 1. Jac. 2. 2. 1. d. 2.
3. H. 8. 7. 1. Jac. 2. 2. 1. d. 2.
3. H. 8. 7. 1. Jac. 2. 2. 1. d. 2.
3. H. 8. 7. 1. Jac. 2. 2. 1. d. 2.

Cornage.

Cornage est un sort de
Grand-Serjeanty, le Ser-
vice d quel Tenure est, d ve-
nir de Garmu quar alse Inva-
sion des ennemis del Pais. Ar-
tis est historic. Et p c plusors
homs tiendront leur fre e les
pct Septentrionals, environ le
Paiet communent appel l Pa-
riet des Pictes. Cam. Bri. p. 609.
Ysies Littleton, fol. 35. ou
dit. Que en le Marches d
Escoce alse reignt del Roy
p Cornage, cest a caver p
venir li Cornu, pur garnir
homs u Pais quant ils soy-
ent enuemyes veignent ;
quel Service est Grand-Ser-
jeanty.

Corodie.

Corodie est un Allowance
de Meat, Pain, Boyer, Ar-
gent, Vestments, Lodging, &
tels choses necessary pur su-
stenance. Ceo alse foits est cer-
tain, ou le certaintie des cho-
ses est limit; alse foits uncer-

Cordwayner.

Cordiner or Cordwayner comes
from the French Cordvannies,
that is, a Shoemaker, from a
kind of leather which the
French men call Cordovan. And
it is a word much used in our
Statutes, as in those of 3 H.
6. 10. 3 H. 8. c. 7. & 1 Jac. c. 2. 1. d. 2.
3. H. 8. 7. 1. Jac. 2. 2. 1. d. 2.
3. H. 8. 7. 1. Jac. 2. 2. 1. d. 2.

Cornage.

Cornage is a kind of Grand-
Serjeanty, the Service of
which Tenure is, to blow an
Horn when any Invasion of
the Northern enemy is percei-
ved. And by this many North-
ward held their land about
the Wall commonly called
the Pict Wall. Camden's Brit.
pag. 609. See Littleton, fol. 35. where he
saith, That in the Marches of
Scotland some hold of the King
by Cornage, that is to say,
by blowing a Horn, to warn
the Country when they hear
that the enemies will come;
which Service is Grand-Ser-
jeanty.

Corodie.

Corodiet is an Allowance of
Meat, Bread, Drink, Money,
Cloathing, Lodging, and
such like necessities for sus-
tenance. It is sometimes certain,
where the certainty of things is
set down; sometimes uncer-
tain.

tain, where the certainty is not set down which he shall have.

And some of them began by Grant made by one man to another, and it may be for life, years, in tail, or in fee: and some Corodies are of common right, as every Founder of Abbeys and other Houses of Religion had authority to assign such in the same Houses, for Father, Brother, Cousin, or other that he would appoint, if it were a House of Monks; and if he were Founder of a House of Nuns, then for his Mother, Sister, or other woman: and always this was provided for, that he that had a Corodie in a House of Monks might not send a woman to take it; nor where Corodie was due to a Nunnerie, there it was not lawful to appoint a man to receive it; for in such cases, such Presentation was to be rejected. And this Corodie was due as well to a common person, Founder, as where the King himself was Founder. But where the House was holden in Frankalmoigne, there the Tenure it self was a discharge of Corodie against all men, except it were afterward charged voluntarily; as when the King would send his Abbot or the Abbot for a Corodie for such a one, whom they admit, there the House should be there discharged for ever, whether the King were Founder or not. See the writ of Corodie habendo in Fitz. Nat. Brev. fol. 230.

tain, lou nest limit le certaintie que il aver.

Et asc' de eux commence p Grant fait p asc' hōe al aut, & pōer estre p vie, ans, taile, ou fee: & asc' Corodies sont de comon droit, sicome chesc' Founder d' Abbeys & auts Measōns d' Religion Papistick, avoyent authoritē d' assigner uel ē meism les Measōns, p son Pere, Frere, Cousin, ou aut q il voit, si fuit u Measōn de Moignes; & si il soit Founder del Measōn de Nuns, donques ceo p la Mère, Soer, ou aut mulier; & tous jours cest proviso fuit, q il q ad Corodie ē un Measōn de Moignes, ne dñist mitter un feme de prender ceo; ne ou Corodie fuit due en u Nunnerie, la il ne fuit loyal d' appointer un home de recevoir ceo; car en ambideux cases tiel Presentation fuit deslire reject. Et cest Corodie fuit due cybien a un comen pson Founder, sicōe ou le Roy m fuit Founder. Mes ou le Measōn fuit tenu en Frankalmoigne, la le Tenure m fuit un discharge d' Corodie encounter tous hōes, sinon q il fuit aps charge voluntarimt; cōe ou le Roy voit mitter son Brē al Abbey p u Corodie p un tiel, le que ils admitt, la le Measōn doit estre charge p ceo a tous jours, si le Roy soit Founder ou nemy. Veies Brief de Corodio habendo en Fitz. Nat. Brev. fol. 230.

Coroner.

CORONER est un ancien Of-
ficer de trust, & d grand
authorite, ordene destre un
principal Cōservator ou gar-
dian d le Peace, a port record
des Plees del Corone, & del
son view demesne, & d divers
autres choses, &c. Et p ceo en
temps de Ed. 1. fuit enact q,
Par ceo q petit gentes meins
sages soyent eslieus ore d no-
vel communement al Office del
Coroner, ou mestier serroit q
pbes hōes, loyals, & sages,
se entremellant d cel Office;
purview est, Que per tous les
Counties soient eslieus suffi-
cient hōes Coroners, d plus
loyals & plus sages Chiva-
lers, q mieulx sachant, puis-
sent & voient a cel Office
entender, & q loyalsint attā-
chent & representent les
Plees del Corone.

Et nient obstant le letter
de cest Statute ne soit paise-
ment observe, uncof al meins
l'entent doit estre pursue cy
pres come poiz; issint q pur
le default des Chivalers &
Gentleshomes, furnished ove
tiels qualites sicōe le Statute
parle, (de que ils y ad divers)
autres poient este eslieu, ove
cest addition, que ils soyent
vertuous & bone Christians.
Veies de ceo en le Bre de Co-
ronatore eligendo, in Fitz. Nat.
Brev. fol. 163.

Quar le Coroner est d'en-

Coroner.

CORONER is an ancient Officer
of trust, and of great autho-
rity, ordained to be a princi-
pal Conservator or keeper of
the Peace, to bear record of the
Pleas of the Crown, and of
his own view, and of divers
other things, &c. And therefore
in the time of Edw. it was enact-
ed that, Forasmuch as mean
men and indiscreet now of late
are commonly chosen to the Of-
fice of Coroner, where it is re-
quisite that wise men, lawfull,
and able, should execute such
Offices; it is provided, That
through all Shires sufficient
men shall be chosen to be Coro-
ners, out of the most wise and
discreet Knights, which well
know, can and will attend this
Office, and which faithfully
will make and represent the
Pleas of the Crown.

And although the letter of
this Statute be not precisely
observed, yet at least the intent
should be followed as nigh as
might be; so that for the default
of Knights and Gentlemen
furnished with such qualities as
the Statute sets down, (of
which sort there are many)
others might be chosen, with
this addition, that they be ver-
tuous and good Christians. See
hereof in the Writ de Coronatore
eligendo, in Fitz. Nat. Brev.
fol. 163.

When the Coroner is to en-
quire

quire of the death of any person, or to doe other thing concerning his Office, he ought to doe it in person: and upon the sudden death of any one, he himself ought to see the dead body when he makes enquiry, or otherwise the enquiry is not good; for if he will enquire of any dead person without view, this is without authority, and so void. And if the body be buried before his coming, he ought to record it in his Rolls, to the intent that the Town where the burying was should be amerced for it before the Justices in Eyre, upon the sight of the Coroner's Rolls. And nevertheless the Coroner ought to take up the body out of the ground, and make the enquiry upon view of the body, as he should doe if it had not been buried: and the Town shall also be amerced, if they suffer it to lie on the ground to putrefie or stink, without sending to the Coroner. And if the Coroner be negligent in coming to doe his office, after the Bayliffs or Countrymen have sent for him, he shall be punished.

Although by the Law the Coroner cannot enquire of any felony, but the death of a man; yet it hath been said, that in Northumberland they enquire of all felonies; but this authority they maintain by Prescription. If a man be killed or wounded in the arms or creaks of the Sea, where a man may see

quiere del mort d'ascun person, ou faire aut chose concernant son Office, il doit ceo faire en person: & sur le subit mort d'ascun, il mesme doit veyer le mort corps quant il fait enquirie, ou auterment l'enquirie n'est bone; car si l'voile enquierer d'ascun mort pson sans luy veyer, cest sans autoritie, & issint void. Et si le corps soit enterre devant son venu, il doit ceo recorder en ses Rolles, al intent q le Ville ou l'enterrement fust fait serra amerce pur ceo devant les Justices en Eyre, sur le view des Rolles del Coroner. Et nient meins le Coroner doit deposer le corps hors del fre, & prendre l'enquirie sur view del corps, come il ferroit si n'avoit este enterre: & la Ville serra auz amerce, s'ils suffront luy gisler sur la fre a putrefaction ou grand ordeur, sans mander al Coroner. Et si le Coroner soit negligent en venir a faire son office, apres que les Bayliffs ou homes de Pais ont mande p luy, il serra punie.

Comt p le Ley q Coroner ne puit enquierer d'asc' Felonie, fors q de mort de home; ramen ad este dit, q en Northumberland ils enquirent de rous Felonies, mes cel autoritie ils maintiennent p Prescription. Si hōe soit occise ou merge en les braches ou sauses del Mere, lou home poit veier

tre d'un part & d'auter, le Coroner enquirera de ceo, & nemy l'Admiral, pur ceo que le Pais poit bien de geoir aver conufance.

Mes le Coroner del hostel le Roy ad un exempt jurisdiction deins le Vierge, & le Coroner del Countie ne poit entermeddle deins ceo; sicoe le Coroner del hostel ne poit entermeddle deins le Countie hors del Vierge.

Si le Demandant ou Plain-tiff soit non-sute, ou si Jugement soit done vers le Tenant ou Defendant, ou semblables, les Justices ne unques assesseront asc' Amerciaint, mes le Clerks des Garrants fait Estreats de eux, & deliver eux aux Clerks d'Assise deins chesc' Circuit, a deliver eux al Coroners en chesc' Countie, d'asserer ou asseller l'Amerciaints, p' ceo q' ils sont pense plus indifferent, entant q' ils sont elect p' tout le Countie.

Si un Approver dit, que il comence son Appeale devant le Coroner p' Dures, ceo serra trie p' le Coroner; & si le Coroner ceo denie, l'Approver serra pendus. Per queux cases il appiert, q' le Ley done grand credance & authoritie al Coroners.

Corporation.

Corporation est u chose permanente, q' poit avera suc-

land from the one part to the other, the Coroner shall enquire thereof, and not the Admiral, for that the Countrey may well have knowledge thereof.

But the Coroner of the King's house hath an exempt jurisdiction within the Vierge, and the Coroner of the Countie cannot intermeddle within it; as the Coroner of the house cannot intermeddle within the Countie out of the Vierge.

If the Demandant or Plaintiff be non-sued, or if Judgment be given against the Tenant or Defendant, or such like, the Justices never assesse any Amerciament, but the Clerk of the Warrants makes Estreats thereof, and delivers them to the Clerks of Assise within every Circuit, to deliver them to the Coroners in every Countie, to assere or asselle the Amerciaments, because they are thought most indifferent, forasmuch as they are chosen by the whole Countie.

If an Approver saith, that he began his Appeal before the Coroner by Duresse, this shall be tried by the Coroner; and if the Coroner denies it, the Approver shall be hanged. By which cases it appears, that the Law gives much credit and authority to Coroners.

Corporation.

Corporation is a permanent thing, that may have succession:

cession : And it is an Assembly and joyning together of many into one Fellowship, Brother-hood, and mind, whereof one is Head and chief, the rest are the Body; and this Head and Body knit together make the Corporation. And of Corporations, some are Spiritual, some Temporal : and of Spiritual, some are Corporations of dead persons in Law, and some otherwise; and some are by authority of the King onely, and some have been of a mixt authority.

And of those that are Temporal, some are by the authority of the King also, and some by the Common Law of the Realm.

Corporation Spiritual, and of dead persons in the Law, is, where the Corporation consists of an Abbot and Convent, which had beginning of the King, and the Pope, when he had to doe here.

Corporation Spiritual, and of able persons in Law, is, where the Corporation consists of a Dean and Chapter, Master of a College or Hospital; and this Corporation had beginning of the King onely.

Corporation Temporal by the King is, where there is a Mayor and Commonalty.

Corporation Temporal by authority of the Common Law is the Assembly in Parliament, which consists of the King, the Head of the Corporation; the

cession : Et est un Assembly & joyning ensemble d divers en ū Fellowship, Fraternité, & ment, de q un est le Teste & principal, les auës sont le Corps; & cest Teste & Corps joynt ensemble font le Corporation. Et de Corporations, asc' sont Spirituels, ascuns Temporals : & de Spirituels, asc' fueront Corporations de mort psons en Ley, & ascuns autermt; & asc' sont p authority del Roy solement, ascuns ont este d'un mixt authority.

Et de ceux queux sont Temporal, ascuns sont per authority de Roy auxy, & ascuns per le Common Ley del Royalm.

Corporation Spiritual, & de mort psons en le Ley, est, lou le Corporation consist d' ū Abbe & Convent, queux ont leur commencement del Roy, & le Pape, quant il y ad a faire cy.

Corporation Spiritual, & del able persons en Ley, est, lou le Corporation consist d'un Dean & Chapter, Master del Colledge ou Hospital; & cest Corporation ad commencement de Roy solement.

Corporation Temporal per le Roy est ū Mayor & Communnaltie.

Corporation Temporal p authority del Common Ley est le Assembly en Parliament, le quel consist del Roy, le Teste del Corporation; les

Seigniors Spirituals & Temporal, & les Commons del Royalm, le Corps del Corporation.

Lords Spiritual and Temporal, and the Commons of the Realm, the Body of the Corporation.

Corps politique.

Bodies politick.

Corps politiq; s'ot Evesqs, Abbes, Priors, Deanes, Parsons d'un Esglise, & tiels semblables, queux ont succession en un pson solemt.

Si tre soit done al Maior & Communalte p leur vies, ils ont Estate p entendment nient determinable. Issint est si Feoffmt soit fait de tre al Deane & Chapter, sans parlance de Successors. Release d'un Maior p asc' summe d'argent due al Corporation en son nosme demesne nest bone en Ley. En case d'un sole Corporation, ou Corps politique, come Evesque, Parson, Vicar, Master d'Hospital, &c. nul Chattel ou en action ou possession alera en succession, mes les Executors ou Administrators del Evesq, Parson, &c. eux avera; car Succession en Corps politiq est Enheritance en case d'un corps private. Mes autermt est en case d'un Corporation aggregate de plusors, come Deane & Chapter, Maior & Comunalte, & semblables; car la ils e judgment del Ley ne unques devont.

Uncof le case del Chāberlain d' Lonāres differt d' tous ceux, & sō Successor poit e sō

Bodies politick are Bishops, Abbots, Priors, Deans, Parsons of Churches, and such like, which have succession in one person onely.

It land be given to a Maior and Commonalty for their lives, they have an Estate by intendment not determinable. So it is if a feoffment be made of land to a Dean and Chapter, without speaking of Successors. Release of a Maior for any summe of money due to the Corporation in his own name is not good in Law. In case of a sole Corporation, or Body politick, as Bishop, Parson, Vicar, Master of Hospital, &c. no Chattel either in action or possession shall go in succession, but the Executors or Administrators of the Bishop, Parson, &c. shall have them; for Succession in a Body politick is as Inheritance in case of a body private. But otherwise it is in case of a Corporation composed of many, as a Dean and Chapter, Maior and Commonalty, and such like; for there they in judgment of the Law never die.

Yet the case of the Chāberlain of London differs from all these, and his Successor may in his own

own name have Execution of a Recognisance acknowledged to his Predecessor for Orphanage-money: and the reason is, because in this case the Corporation of the Chamberlain is by Custom, and the same Custom that hath created him, and made a Corporation in Succession, as to the said special purpose concerning Orphanage, hath enabled the Successor to take such Recognisances, Obligations, &c. that are made to his Predecessor. And this Custom is founded upon great reason; for the Executors or Administrators of the Chamberlain ought not to intermeddle with such Recognisances, Obligations, &c. which by the said Custom are taken in the corporate capacity of the Chamberlain, and not in his private. But a Bishop, Parson, &c. or any sole Corporation, that are Bodies politick by prescription, cannot take a Recognisance or Obligation, but onely to their private, and not in their politick capacity: for they want Custom to take a Chattel in their politick or corporate capacity.

Corpus cum Causa.

CORPUS CUM CAUSA is a Writ issuing out of the Chancery, to remove both the body and the Record of the Cause of any man lying in Execution upon a Judgment for Debt, into the King's Bench, &c. there

nosme demesne aver Execution d'un Recognisance conuult a son Predecessor p Orphanage-money: & le reason est, p ceo q̄ ē cest case le Corporation del Chamberlain est per Custome, & m̄ le Custome q̄ ad luy create, & fait tū Corporation ē Succession, quāt al dit special purpose concernāt Orphanage, ad enable le Successor a p̄nder tiels Recognisances, Obligations, &c. que sont faits a son Predecessor. Et tiel Custome est foundue sur grand reason; car les Executors ou Administrators del Chamberlain ne doivent enīmeddle ove tiels Recognisances, Obligations, &c. queux p le dit Custome sont prise ē le corporate capacite del Chamberlain, & nemy ē sō private. Mes Evēque, Parson, &c. ou asc' sole Corporation, q̄ sont Corps politique p̄ prescription, ne poyent prendre Recognisance ou Obligation, mes solēnt a leur private, & nemy ē leur politique capacite: car la fault Custome a prendre Chattel en leur politique ou corporate capacite.

Corpus cum Causa.

CORPUS CUM CAUSA est un Brief issuant hors del Chancery, a remove tant le corps q̄ le Record del Cause d' aucun home en Execution sur Jugement pur Dett, en Barque le Roy, &c. y

remaner donque il a satisfie le
Jugement. *Fitzh. Nat. Brev.*
fol. 251. e.

to lie till he have satisfied the
Judgment. *Fitzh. Nat. Brev. fol.*
251. e.

Corruption de Sanke.

Corruption de Sanke est,
quant asc' est arraint de
Felony ou Treason, donques
son Sake est dit destr' corrupt;
p reason de quel ses enfants,
ne asc' d son sanke, ne poient
estre heires a luy, ne al aucun
auter Ancestor, p ceo que ils
doyent claime per luy. Et sil
fuit Noble ou Gentlehome
devant, il & routs ses enfants
p ceo sont faits ignoble &
ungentle, ayant regard al
Nobilitie ou Gentry ils
claime p leur pere, q ne poit
este fait sane arere p Grant
le Roy, sans authoritie d Par-
liament.

Mes si le Roy voile pardon
l'offendor, il voile purger le
Corruptio del Sanke des tiels
issues queux sont nee puis le
Pardon, & ils poyent inherit
le fre de leur Ancestor pur-
chase al temps del Pardon, ou
apres; mes issint ne poyent ils
queux fueront nee devant le
Pardon. Auxy il q est arraint
de Treason ou Felonie ne
serra heir a son pere: mes
cest disabilitie estoppera au-
ters destr' son heire, issint q
durant son vie le fre potius
escheatera al Seignior del
Fee, q descend' al auter.

Mes si il q est arrainte
morust sans issue de son

Corruption of Bloud.

Corruption of Bloud is, when
any one is attainted of Fe-
lony or Treason, then his Bloud
is said to be corrupt; by meaning
whereof neither his children,
nor any of his bloud, can be
heirs to him, or to any other
Ancestor, for which they ought
to claim by him. And if he
were a Noble or Gentleman be-
fore, he and all his children are
made thereby ignoble and un-
gentle, having regard to the
Mobility or Gentry they claim
by their father, which cannot be
restored by the King's Grant,
without authority of Parlia-
ment.

But if the King will pardon
the offendor, it will cleanse the
Corruption of the Bloud of
those children which are born
after the Pardon, and they may
inherit the land of their Ance-
stor purchased at the time of the
Pardon, or afterwards; but so
cannot they who were born be-
fore the Pardon. Also he that
is attainted of Treason or Fe-
lony shall not be heir to his fa-
ther: but this disability shall
hinder others to be heir, so that
during his life the land shall ra-
ther escheat to the Lord of the
fee, then descend to another.

But if he who is attainte
ed dies without issue of his
body,

body, during the life of his Ancestor; then his younger Brother, Sister, or Cousin shall inherit: for if the eldest son be hanged, or abjure the Realm for felony, during the life of the father, it is no impediment but that the youngest son may inherit. 27 Ed. 3. c. 77.

And if he who is attaint of Treason or felony in the life of his Ancestor, purchase the King's Pardon before the death of his Ancestor, yet he shall not be heir to the said Ancestor, but the Land shall rather escheat to the Lord of the Fee by the Corruption of blood. 26 Ass.

pl. 2. But if the eldest son be a Clerk convicted in the life of his father, and after his father dies; in this case he shall inherit his father's Land, because he was not attainted of felony; for by the Common Law he should inherit after he had made his Purgation. And now by the Statute of 18 El. cap. 6. he shall be forthwith enlarged after burning in the hand, and delivered out of prison, and not committed to the Ordinary to make his Purgation; but he is in the same case as if he had made his Purgation.

If a man that hath Land in right of his wife hath issue, and his blood is corrupt by Attainder of felony, and the King pardons him; in this case, if the wife dies before him, he shall not be Tenant by the

corps, durant le vie son Ancestor, dunque son puisne Frere, Soer, ou Cousin inheritera: car si leigne firs soit pendus, ou abjure le Terre p Felonie, durant le vie le Pere, il nest impedimnt mes que le puisn firs puit inheriter. 27

Ed. 3. c. 77. Et fil q est attaint de Treason ou Felonie en le vie de son Ancestor, purchase le Pardon le Roy devant le mort son Ancestor, uncore il ne serra heire al dit Ancestor, mes la Terre potius escheatera al Seignour del Fee per le Corruption del sanke. 26 Ass.

placit. 2. Mes si leigne firs soit Clerke convict en le vie son Pere, & puis son Pere morust; en cest case il inheritera la Terre son Pere, pur ceo que il ne fuit attaint de Felonie; car p le Common Ley il serroit inherite puis q il ad fait son Purgation. Et jammes per le Stat. de 18 Eliz. cap. 6. il serra subit enlarge puis le arser en le maine, & deliver hors de prison, & nient commit al Ordinary a faire son Purgation; mes il est en mesme plite come il ad fait son Purgation.

Si home que ad Terre en droit sa feme ad issue, & son Sank est corrupt per Attainder de Felony, & le Roy luy pardon; en cest case, si le feme morust devant luy, il ne sera Tenant per le

courtesie, pur le Corruption del sank de cel issue. Mes autrement est sil ad issue puis le Pardon; ear donque il serra Tenant, nient obstant que le issue que il avoit devant le Pardon ne soit inheritable. 13 H. 7. c. 17.

Si home seisie de Terre ad issue deux firs, & leigne est attaint en le vie son Pere de Felonie, & pur ceo execute, ou ausement morust durant le vie de son pere, & puis le pere morust seisie; le Terre descendra al puisne firs, come Heire a son pere, si leigne firs nad issue donques en vie. Mes si le eigne firs, que fuit attaint, ad aucun issue en vie, que inheritera mes pur le Attainder; le Terre escheatera al Seignour, & ne descendra al puisne frere, pur ceo que le Sank del eigne frere est corrupt. 32 H. 8. Dy. 48.

Mes est destre observe, Que la soit aucuns choses fait Treason per Act de Parlement, de queux comt q hōe soit attaint, uncore son Sanke nest corrupt, & il forfeitera riens, forsque ceo que il ad pur son vie demesne: Come si hōe soit attaint sur le Stat. de 5 Eliz. cap. 1. ordeigne envers le maintenance del auctoritie del Evêque & See de Rome, ceo ne exçendera a faire aucun Corruption de sanke, le dis-

courtesie, for the Corruption of the blood of that issue. But it is otherwise if he hath issue after the Pardon; for then he shall be Tenant, although the issue which he had before the Pardon be not inheritable. 13 H. 7. c. 17.

If a man seised of Land hath issue two sons, and the eldest is attainted in the life of his father of Felony, and therefore executed, or otherwise dies during the life of his father, and after the father dies seised; the Land shall descend to the youngest son, as Heir unto his father, if the eldest son hath no issue then alive. But if the eldest son, who was attainted, hath any issue alive, which should have inherited but for the Attainder; the Land shall escheat to the Lord, and shall not descend to the youngest brother, because the Blood of the eldest brother is corrupt. 32 H. 8. Dy. 48.

But it is to be noted, That there are divers things made Treason by Act of Parliament, whereof although a man be attainted, yet his Blood is not corrupt, neither shall he forfeit any thing, but that which he hath for his own life: As if a man be attainted upon the Statute of 5 Eliz. cap. 1, ordained against the maintaining of the authority of the Bishop and See of Rome, this shall not extend to make any Corruption of blood, the inheritance

heritance of any Heir, forfeiture of any Dower, nor to the prejudice of the right or title of any person, other then the Offendor during his natural life onely.

So if a man be attainted by force of the Statute of 5 Eliz. ca. 11. provided against the Clipping, washing, filing, and rounding of Money, yet there is no Corruption of blood. In the same manner is it of the Statute of 18 Eliz. cap. 1. 1 Jac. cap. 12. 1 Mar. cap. 12. against Unlawfull assemblies; and 5 Eliz. cap. 14. against the forging of evidence; and the Statute of 31 Eliz. cap. 4. against the Embezzling of the Queen's Ordnance, Armour, or Artillery.

heritance dasc' Heire, forfeiture dasc' Dower, ne al pjudice del droit ou titre dasc' pson, aut q le Offendor durant son natural vie solement.

Issint si home soit attaint per force del Statute de 5 El. ca. 11. pvide encounter le Clipping, washing, filing, & rounding de Argent, uncore la nest aucun Corruption de sanke. En m le manner est del Stat. de 18 El. cap. 1. 1 Jac. ca. 12. 1 Mar. cap. 12. encounter Illoyal assemblies; & 5 El. ca. 14. encounter le Forger de faits; & le Stat. de 31 Eliz. cap. 4. encounter le Embezzilling le Ordinance, Armour, & Artillerie le Roigne.

Corse present.

Corse present are words signifying a Mortuary; and the reason why the Mortuary is so termed is, because where a Mortuary was wont to be due, the Body of the best Beast was, according to the Law or Custome, offered or presented to the Priest. See Anno 21 Hen. 8. ca. 6. where among other things it is enacted, That no Corse present, nor any summe of money, or other thing, for any Mortuary or Corse present, shall be demanded, received, or had, but onely in such places and Towns where Mortuaries have been accustomed to be taken and paid.

Corse present.

Corse present sont parols signifiant un Mortuarie; & le reason p q le Mortuarie est issint appel est, pur ceo q ou un Mortuarie soloit destre due, le Corps del mieux des Avers fuit, selonq le Ley ou Custome, offert ou present al Priestre. Veies an. 21 H. 8. c. 6. ou enter aut choses est enact, Que nul Mortuary ne Corse present, ne aucun sum d'argent, ou auter chose, pur aucun Mortuarie ou Corse present, serra demand, receive, ou ad, mes solement en tiels lieux & Villes ou Mortuaries ont este accustomé destre prise & pay.

Cosinage.

Cofinage.

Cofinage est un Brief q^e gist lou mon Befayel, mon Tresayel, ou au^t Cousin, devie seisie in Fee-simple, & un Estranger abata; cest adire, en^t en les T^res; donques j^eo avera vers luy cest Brief, ou envers son Heire, ou son Alienee, ou envers q^u cunque qⁱ aveign^t apres a les dits Terres. Mes si mon Ayel devie seisie, & un Estranger abate; donques j^eo avera un Brief de Ayel. Mes si mon Pere, Mere, Frere, Soer, Uncle, ou Auar, devie seisie, & un Estranger abata; donques j^eo avera un Assise de Mortdauncester.

Cottage.

Cottage (*Cotagium*) est une petite Meason pur le habitation des povers homes, sans asc^t Terre a ceo appei^risant, d^ot me^tion est fait en le pri^m Stat. fait eⁿ 4 E. 1. Et le inhabitant en tiel meason est appelle un Cottager. Mas p^r un Stat. fait en 31 le Roigne Eliz. ca. 7. nul h^ome poit edifier tiel Cottage pur habitation, sin^o qⁱ il fait giser a ceo quazer acres de Terr^e de Frank-tene^mt; except en Cities & Market-Boroughs, ou deins un mille del Mere, ou p^r le habitation des Laborers en Mines, Saylers, Foresters, Pastors, &c.

Cofinage.

Cofinage is a Writ that lies where my great Grandfather, my Grandfather's Grandfather, or other Cousin, dies seised in Fee-simple, and a Stranger abates, viz. enters into the Lands; then I shall have against him this Writ, or against his Heir, or his Alienee, or against whosoever comes after to the said Lands: But if my Grandfather die seised, and a Stranger abates; then I shall have a Writ of Ayel. But if my Father, Mother, Brother, Sister, Uncle, or Aunt, die seised, and a Stranger abates; then I shall have an Assise of Mortdauncester.

Cottage.

Cottage is a little House for habitation of poor men, without any Land belonging to it, whereof mention is made in the first Statute made in 4 E. 1. And the inhabitant of such a house is called a Cottager. But by a Statute made in the 31 year of Queen Eliz. cap. 7. no man may build such a Cottage for habitation, unless he lay unto it four acres of Freehold-land; except in Market-Towns or Cities, or within a mile of the Sea, or for habitation of Labourers in Mines, Sailors, Foresters, Shepherds, &c.

Couches.

Coucher.

Coucher is a Factor who continues in some place or Country for traffick. an. 37 Ed. 3. c. 16. It is also used for the general Book into which any Corporation enters their particular Acts for a perpetual remembrance of them.

Concher.

Coucher est un Factor que demeure en asc' lieu ou Pais p' chivifance. an. 37 E. 3. c. 16. Il est auxy use p' le common Livre en que aucun Corporac' entraft leur particular Faits pur un perpetual register de eux.

Covenable.

Covenable.

Covenable is a French word signifying Convenient or futeable; as Covenably endowed, Anno 4 Hen. 8. ca. 12. It is anciently written covenable, as in the Stat. 27 Ed. 3. Stat. 2. ca. 17.

Covenable est u pol Francois & signifie Convenient ou futeable; cõe Covenably endowed, An. 4 H. 8. c. 12. Ceo est antiquement escri cõvenable, cõe e le Stat. 27 Ed. 3. Stat. 2. c. 17.

Covenant.

Covenant.

Covenant is an Agreement made by Deed in writing, and sealed between two persons, where each of them is bound to the other to perform certain Covenants for his part; and if the one performs not his Covenant, the other shall have thereupon a Writ of Covenant.

Covenant est un Agreeement fait p' Fait en escript, & enseale penter deux persons, loun chesc' de eux est tenuis al auter de performer certaine Covenants pur son part; & si lun de eux ne tient pesse son Covenant, le auter avera ent un Brief de Covenant.

And Covenants are either in Law, or in Fact, Cok. lib. 4. fol. 80. or Covenant expressed, and Covenant in Law, Cok. lib. 6. fol. 17. A Covenant in Law is that which the Law intends to be done, though it be not expressed in words: As if a man demise any thing to another for a certain term, the Law

Et Covenants sont ou en Ley, ou en Fait, Cok. lib. 4. fol. 80. ou Covenant expresse, & Covenant en Ley, Cok. lib. 6. fol. 17. Un Covenant en Ley est ceo q' le Ley entend destre fait, nient contrestant que en parols ne soit expresse; Cõe si home demise un chose al auter p' un certain tme, le Ley entend:

entende un Covenant del pt le Lessor, q le Lessee tien- dra tout son terme enconter tout loyal encumbrances. *Covenant en Fait* est ceo que expressement est agree penter les parties.

Auxy la est Covenant meer- mt psonal, & Covenant real. *Fitz. Nat. Brev. fol. 145.* sem- ble adire, que *Covenant real* est, p q hōe luy oblige de pas- ser un chose real, cōc Terres ou Tenements; sicōc Cove- nāt d'levier ū Fine de Tfe: *Covenant meerment personal* est, ou hōme covenant ove auter per Fait, de edifier un meason, ou de server luy. Veies le veil Livre de *En- tries*, verbo *Covenant*.

Mes nota bien, Que nul Bfe de Covenant serra main- reinable sans especialty, sinō en le City de Londres, ou en ascun aut tiel lieu privilege p custome & use.

Coverture.

Coverture est, quāt ū hōe & un feme sont espouse ensemble; ore asc' chose que est fait concernout la feme ē le rēps de le continuāce de cest Mariage, est dit destre fait durant le *Coverture*, & le feme espouse est appel un *Feme covert*, & p ceo disable de cōtrafter ove ascū, al pju- dice de sa mesm ou sa baron, sans son cōsent ou privitie, al meins sans son allowance ou

intends a Covenant of the part of the Lessor, that the Lessee shall hold all his term against all lawfull incumbrances. *Covenant in Fact* is that which is expressly agreed between the par- ties.

Also there is a Covenant meerly personal, and a Cove- nant real. *Fitz. Nar. Brev. fol. 145.* seems to say, that *Covenant real* is, whereby a man ties himself to passe a thing real, as Lands or Tenements; as a Covenant to levy a fine of Land: *Covenant meerly per- sonal* is, where a man co- venants with another by *Deed*, to build a house, or to serve him. See the old Book of Entries, the word *Covenant*.

But note well, That no writ of Covenant shall be maintain- able without especialty, except in the City of London, or in some other place privileged by cus- tome and use.

Coverture.

Coverture is, when a man and a woman are married to- gether; now whatsoever is done concerning the wife in the time of the continuance of this Mar- riage, is said to be done during the *Coverture*, and the wife is called a *Woman covert*, and there- by is disabled to contract with any one, to the prejudice of her self or her husband, without his consent and privity, at the least without his allowance and con- fir-

confirmation. See *Brook* this Title. And *Bract* saith, That all things that are the wife's, are the husband's, neither hath the wife power of her self, but the husband, lib. 2. cap. 15. and the husband is the head of his wife, lib. 4. cap. 24. and again, that in any Law-matter he cannot answer without her husband, lib. 5. tract. 1. cap. 3. And if the husband alien his wife's Land during the Coverture, he cannot gain-say it during his life.

Covin.

Covin is a secret Assent determined in the hearts of two or more, to the prejudice of another: As if a Tenant for term of life, or Tenant in tail, will secretly conspire with another, that the other shall recover against the Tenant for life the Land which he holds, &c. in prejudice of him in the Reversion.

Count.

Count is as much as the original Declaration in a Process, though more used in real then personal Actions; as Declaration is more applied to personal then real. F. N. B. 16. a. 60. d. n. 71. a. 191. c. 217. a. Libel with the Civilians comprehends both. Yet Count and Declaration are confounded sometimes; as Count in Debt,

confirmation. Veies *Brook* cest Title. Et *Bract* dit, Que tous choses q' sont la femes, sont le barons, nec ad la feme poyar de sa mesme, mes le baron, lib. 2. cap. 15. & que le baron est le teste sa feme, lib. 4. cap. 24. & arere, que en ascun Chose legal el ne poit responder sans le baron, lib. 5. tract. 1. cap. 3. Et si le baron alien le Terre sa feme durant le Coverture, el ne poit ceo dedire on le vie sa baron.

Covin.

Covin est un secret Assent determine en les cœurs de deux ou plusors, al prejudice dun autre: Come si Tenant p' terme de vie, ou Tenant en le taile, secretmt conspire ove un autre, q' l'autre recouvrera vers le Tenant pur vie le Terre q' il tient, &c. en prejudice de celui en le Reversion.

Count.

Count est tant cō l'original Declaratiō ē un Process, ucof plus tost use ē real q' psonal Actiōs; cō Declaratiō est plus apply al psonal que real. F. N. B. 16. a. 60. d. n. 71. a. 191. c. 217. a. Libel ove les Civilians comprehend abideux. Et uncof Count & Declaration sont asc' foits confound; cō Count en Det, Kit.

Kitch. 281. Count ou Declaration en Appel, Pl. Cor. 78. Count en Trespas, Brit. c. 26. Count ē Actiō de Trāns sur le Case p̄ Sclander, Kitch. 252. Contours ad este prise pur tiels queux home receive de pler. p̄ luy en asc' Court, come Advocates; & Pledeurs destz un autre sort, come Attornies pur un que est present en p̄son, mes souffre un autre a dire pur luy. Countours, p̄ M. Horne, sont tiels Sergeāts erudite ē les Leyes, que servont les laye gents de defender lour Actions en Judicature pur lour fee.

Countee.

Countee dicitur à comitandō, quia comitantur Regem; & fuit le pluis eminent & supreme dignitie del Conquest, jelsque le unzisme an del Roy Ed. 3. ou le Black Prince fuit create Duke de Cornwall; & ceux q̄ de anciē temps fuerōt create Couitees, fueront de Sanke-Royal; & jelsq̄ a cest jour le Roy en tous ses appellations stile eux p̄ le noīme *Charissimi consanguinei nostri*. Et p̄ ceux causes le Ley dōe a eux haut & grād Privileges; & pur ceo lour corps ne serra arrest p̄ Det. Trāns, &c. p̄ ceo q̄ le Ley entend q̄ ils assistōt le Roy ove lour cōseill pur le weale publique, & gardōt le Royalm en sasetie per lour proweſſe

Kitch. 281. Count or Declaration in Appel, Pl. Cor. 78. Count in Trespasse, Brit. cap. 26. Count in Action of Trespasse upon the Case for a Slander, Kitch. 252. Countours have been taken for such as a man retains to speak for him in any Court, as Advocates; and Pledeurs to be another sort, as Attornies for one that is present himself, but suffers another to speak for him. Countours, according to M. Horne, are such Sergeants skilful in the Law, which serve the common people to defend their Actions in Judicature for their fee.

Countee.

Countee (so called à comitandō because they accompany the King) was the most eminent and high dignity from the Conquest, untill the 11. year of King Ed. 3. when the Black Prince was created Duke of Cornwall: and those who of ancient time were created Countees, were of the Bloud-Royal; and at this day the King in all his appellations styles them by the name of Our most dear Cousin. And for these causes the Law gives them high and great Priviledges; and therefore their body shall not be arrested for Debt. Trespasse, &c. because the Law intends that they assist the King with their counsel for the publick good, and keep the Realm by their proweſſe and

and valour. Also for the same cause they shall not be put in Juries, although it be for the service of the Country. And if issue be taken, whether the Plaintiff or Defendant be a Countee or not, this shall not be tried by the Country, but by the King's Writ.

Also the Defendant shall not have a day of labour against a Lord of the Parliament, because he is intended to attend the publick. And of ancient time the Countee was *Præfectus*, or *Præpositus Comitatus*, and had the charge and custody of the County: and now the Sheriff hath all the authority for administration and execution of Justice which the Countee had, *Cok. lib. 9. fol. 49.* and therefore he is called Viscount.

Countenance.

Countenance seems to be used for Credit or Estimation. *Old Nat. Brev. III.* in these words; The Attaint shall be granted to poor men that will take their oaths they have not any thing whereof to make their Fine, saving their Countenance. In the same manner it is used *1 Edw. 3. Stat. 2. cap. 4.* in these words; Sheriffs shall charge the Kings Debtors with as much as they may levy with their oaths, without abating the Debtors Countenance.

& valour. Auxy pur mesme le cause ils ne serẽ misse en Juries, coment q̃ ceo soit pur le service del Pais. Et si issue soit prise, si le Plain-tife ou Defendant soit un Countee ou nemy, ceo ne serra trie p Pais, mes p le Brief le Roy.

Auxy le Defendant navera jour de grace vers le Seignior del Parliament, pur ceo que il est intend d'attendre le publique. Et d'ancien temps le Countee fust *Præfectus*, seu *Præpositus Comitatus*, & ad le charge & custodie del Countie: & ore le Viscount ad rout l'authoritiẽ p administration & executiõ de Justice que le Countee avoir, *Cok. lib. 9. fol. 49.* & p ceo est appelle Viscount.

Countenance.

Countenance semble desirer use pur Credance ou Esteeme. *Veil N. B. III.* in ceux pols; L'Attaint serra grantus as povers hões q̃ prẽdront leur seremẽt q̃ ils ont riens de q̃ ils poyent de faire leur Fine, ouster leur Countenance. En mesm le manner est use *1 Ed. 3. Stat. 2. cap. 4.* en ceux pols; Viscounts chargerõ le Dettors le Roy ove tãt q̃ ils poyẽt levier ove leur seremẽts, sans abatement del Countenance des Dettors.

Countermand & Counterplee.

Countermand & Counterplee. Veies Countermand & Conterplee.

Countie.

Countie est tant en significacⁿ come Shire, ambeux contenant un circuit ou portion del Royalm, en q^{el} tout le terre est apporc^e, p^{er} le mieux governance de c^{elle}, & plus facile administracⁿ de Just^{ice}, issint q^{ue} la nest ascū p^{ar} d^u Royalm q^{ue} ne pas gist deins asc^{elle} County : & chesc^{un} County est governe p^{ar} un annual Officer, le quel nous appello-
mus *Vic^{ar}*, q^{ui}, en^{tre} au^{tre}s duties appreinant a son Office, mit en execut^{ion} tous les Mandats & Jugements des Courts l^{es} Roy, q^{ui}ux s^{ont} destⁱⁿe execute deins cel circuit. *Fort. ca. 24.* De ceux Counties la sont 4. plus observe q^{ue} auters, appel Countie Palatines; come Lancaster, Chester, Durham, & Ely, an. 5 El. cap. 23. La suit auxy le Countie Palat^{al} de Hexam, an. 33 H. 8. cap. 10. mes de ceo quere.

Countie Palat^{al} est Jurisdiction de cy alt nature, q^{ue} ou tous Plees touchāt le vie ou mai^{nt}ē dū hōe, appel Plees d^u Corone, sont usualment tenus & execute ē le nosm le Roy, & ne poit estre fait en le

Countermand and Counterplea.

Countermand and Counterplea. ~~Se~~ Contermand & Conterplea.

Countie.

Countie signifies as much as Shire, both containing a compasse or portion of the Realm, into which all its land is divided, for the better government thereof, and more easie administering of Justice; so that there is not any part of the Kingdome that lies not within some County: and every County is governed by a yearly Officer, whom we call Sherif, who, among other duties belonging to his Office, puts in execution all the Commandments and Judgements of the King's Courts, that are to be executed within that compasse. *Fortesc. cap. 24.* Of these Counties there are four more remarkable then others, called County Palatines; as Lancaster, Chester, Durham, and Ely, an. 5 El. cap. 23. There was also the County Palatine of Hexam, an. 33 H. 8. cap. 10. but thereof quere.

A County Palatine is of so high a nature, that whereas all Pleas touching the life or mai^{nt}ē hem of a man, called Pleas of the Crown, are usually held and sped in the King's name, and cannot be passed in the name

name of any other ; the chief Governours of these, by special Charter from the King, heretofore did send out all Writs in their own name, and did all things touching Justice as absolutely as the Prince himself in other Counties, onely acknowledging him to be their Superiour and Sovereign. But by the Statute of 27 H. 8. cap. 25. this power was much abridged, which see, and Crompt. Jurisdic. 137.

Besides these two sorts of Counties, there are also Counties corporate, as appears by the Statute of 3 Ed. 4. 5. and these are certain Cities or ancient Boroughs of the Land, upon whom the Princes of this Nation have bestowed such extraordinary Liberties ; as London, York, Chester, Gloucester, and many others.

County in another signification is used for the County Court which the Sherif keeps every moneth within his charge, either by himself or his Deputy. See for this Dalton's Office of Sherifs. Of these Counties or Shires there are reckoned to be 37 in England, besides the twelve in Wales.

Court.

Court is diversly taken : Sometimes for the House where the King remains with his ordinary retinue ; and also

nom d'aucun autre ; le premier Gardians de ceux, par especial Charter del Roy, en tēps par devant mitteront hors tous Briefs en leur nom demesne, & fairont tous choses touchant Justice cy absolument come le Roy mesme en aults Counties, solemt consacrer luy destre leur Superiour & Sovereigne. Mes par le Statute de 27 H. 8. cap. 25. cest poyar fuit mult abridge, le q'l veies, & Crompt. Jurisdic. 137.

Ouster ceux deux sorts de Counties, la sont aults Counties corporate, come appiert par le Statute de 3 Ed. 4. 5. & ceux sont aults Cities ou veil Burghs del Terre, sur queux les Roys de cest Gent ont done tiel Franchises extraordinaries ; come Londres, Eboracum, Cester, Gloucester, & plusors auters.

Comtee en un autre signification est usee par le Comtee Court q le Viscount tient chescun moys deins son libertie, ou per luy mesme ou par son Deputie. Veies pur ceo Dalton's Officium Vicecom'. De ceux Counties ou Shires la sont account destre 37 en Angleterre, ouster les 12. en Gales.

Court.

Court est diversimēt prise : Case' foirs par le Meason ou le Roy est present ove son ordinary attendants ; & auxy
p le

le lieu ou Justice est judicialment ministre, de q^x vous poies trover 32 several sorts en *Crom. Jurisd.* bien describe. Et de c' ux le greinder sort sont Courts de Record; ascū ne sont, & p' c' esteem Base Courts en respect des auters.

Ouster ceux aux la sont *Courts Christian*, issint appel p' c' q' ils treat choses especialment appertaint al Christianisme, & tiels q' sans bon sciēce en Theologie ne poiēt estre pas bien decide; esteant tenus cydevant p' Archevesqs & Evesqs, cōe d' l' Pape de Rome; mes aps son ejectmēt ils tiēdront eux p' l' Authority le Roy, *virtute Magistratus sui*, cōe l' Admiral d' Angleterre tiēt son Court: sur q' il pceed, q' ils mittont hors leur Citations en leur nosmes demesne, & nemy en le nosme le Roy, come les Just. des Courts l' Roy sont; & p' c' cōm l' Appeal de ceux Courts gisera al Rome, jamāis per le Stat. de 25 H. 8. cap. 19. il gist al Roy en son Chancery.

Court-Baron.

Court-Baron est ū Court q' chescū S^r dū Mañor ad deins son Precincts demesni. De c' Court & Court-Leet *Kitch.* ad escrie un Livre pleisi de bon eruditiō. Cest Court, cōe seble ē *Co. l. 4. f. 26.* est

the place where Justice is judicially ministered, of which you may find 32 severall sorts in *Cromp. Jurisd.* well described. And of those the greater part are Courts of Record; some are not, and therefore accounted Base Courts in comparison of the others.

Besides these, there are also Courts Christian, so called, because they handle matters chiefly appertaining to Christianity, and such as without good knowledge in Divinity cannot be well judged of; being heretofore held by Archbishops and Bishops, as from the Pope of Rome; but after his ejection they held them by the King's Authority, by virtue of his Magistracy, as the Admirall of England holds his Court: whence it proceeds, that they send out their Precepts in their own names, and not in the King's, as the Justices of the King's Courts do; and therefore as the Appeal from those Courts did lie to Rome, now by the Stat. of 25 H. 8. cap. 19. it lies to the King in his Chancery.

Court-Baron.

Court-Baron is a Court that every Lord of a Manor hath within his own Precincts. Of this Court and Court-Leet *Kitch.* hath writ a learned Book. This Court, as it seems in *Coke lib. 4. fol. 26.* is

two-fold : And therefore if a man having a Manor in a Town grants the inheritance of all the Copyholds therein to another, this Grantee may hold a Court for the customary Tenants, and accept of Surrenders to the use of others, and make Admittances and Grants. The other Court is of Free-holders, which is properly called the Court-Baron, wherein the Suitors, that is, the Free-holders, are Judges; whereas of the other Court the Lord or his Steward is Judge.

Couthentlaugh.

Couthentlaugh is he that willingly receives a man outlawed, and cherishes or hides him; in which case he was in ancient time subject to the same punishment as the man outlawed was. Br. l. 3. tr. 2. c. 13. nu. 2. It is compounded of couth, i. known, and utlaw, outlawed, as we now call them.

Cranage.

Cranage is a liberty to use a Crane for drawing up Wares or goods out of any Ship, Boat, or Barge, at any Creek or Wharf, and to make profit of it. It is used also for the Money that is taken for that work.

double: Et si c' si home ayant un Manor en un Vill' granta le inheritance des tous les Copyholds a ceo apprenants a un autre, ceo Grantee poit tener un Court p' le customary Tenants, & accepter Surrenders al use d' autres, & faire Admittances & Grants. L' autre Court est d' Frank-tenants, q' est ppermt appel le Court-Baron, en q' les Suitors, cest adire, les Frank-tenants, sont Judges; ou d' autre Court le S'ir ou son Seneschal est Judge.

Couthentlaugh.

Couthentlaugh est celui q' volontairmt receive h'oe utlage, & relieva ou cache luy; en q' case il fuit e' veil t'eps liable al m' le punishmt q' le h'oe utlage m' fuit. Br. l. 3. tra. 2. c. 13. n. 2. Il est compose d' couth, i. connu, & utlaw, utlage, come nous j'ames eux appellomus.

Cranage.

Cranage est un liberty p' user u Crane p' le extraif des Wares ou biens hors dun Niese, Bateau, ou Nassele, al ascun Creek ou Wharfe, & de faif benefict de c'. Est use auxy p' les Deniers qux sont prises p' ceo labor.

Creansor.

Creansor venust del *Francois Croyance*, id est, Persuasio ; & signifie cestuy q̄ consist auter ove ascun Debt, soit e' en deniers, wares, ou auters choses. Ceo parol est use en le *Veil N. B.* en le *Bre de Audita querela*, fol. 66. a.

Creditor.

Creansor oꝝ Creditor comes of the French *Croyance*, that is, Confidence oꝝ persuasion ; and it signifies him that trusts another with any Debt, be it money, wares, oꝝ other things. This word is used in the Old *N. B.* in the *Writ of Audita querela*, f. 66. a.

Creek.

Creek est e' pt dun *Havf* & quel asc' chose est discharge ou disburdē hors del Mere. Et cest pol est use en le *Stat.* 5 an del Roign *El. c. 5. & 4 H. 4. cap. 20. &c.*

Creek.

Creek is that part of a Haven from whence any thing is landed oꝝ disburthened out of the Sea. And this word is used in the *Stat.* 5 *El. cap. 5. and 4 H. 4. cap. 20. &c.*

Croft.

Croft est un petite Clause ou Pightle adjoynant al un Mease, use ou p̄ pastur ou arable, come e' pleist le owner. Et semble destre derive del veux pol *Creast*, id est, Handicraft, p̄ ceo q̄ ceux terres sont p̄ le plus part manures ove le principal craft del owner.

Croft.

Croft is a little Close oꝝ Pightle adjoining to an House, used either for pasture oꝝ arable, as the owner pleases. And it seems to be derived from the old word *Creast*, that is, Handicraft, because these lands are for the most part manured with the best skill of the owner.

Cucking-stool.

Cucking-stool est un Engin invent pur le punisment des Scolds & inquiet fems ; & fait appel en ancien tēps un *Tumbrel*, cōe appiert p̄ *Lamb.* en son *Eirenarch*, l. 1. c. 12.

Cucking-stool.

Cucking-stool is an Engine invented for the punishment of Scolds and inquiet women ; and it was called in old time a *Tumbrell*, as appears by *Lamb.* in his *Eirenarc.* li. 1. ca. 12. And

And by the Cases and Judgements in Eire, in the time of Ed. 3. a Pillory and a Tumbrell are appendant to a Leet, without which right cannot be administered to the parties within the view. Keloway, fol. 140. b.

Et p les cafes & Jugement^s en Eire, en le temps E. 3. Pillory & Tumbrel font appendat al un Leet, sans qux droit ne poit estre fait as parties deins l' view. Keloway, fol. 140. b.

Cui ante divortium.

Cui ante divortium.

Cui ante divortium is a Writ that lies when Alienation is made by the husband of the wife's Land, and after Divorce is had between them; then the woman shall have this Writ, and the Writ shall say, To whom she before the Divorce might nor gain-say.

Cui ante divortium est un B^ref q gist quant Alienation est fait p le baron del Terre la feme, & puis Divorce est ew inter eux; donques la fem^e avera cest Brief, & le Brief dirra, *Cui ipsa ante Divortium contradicere non potuit.*

Cui in vita.

Cui in vita.

Cui in vita is a Writ that lies where a man is seised of Lands in Fee-simple, fee-tail, or for life, in right of his wife, and aliens the same, and dies; then she shall have this Writ to recover the Land.

Cui in vita est un B^ref q gist lou h^ome est seise de Terres en Fee-simple, Fee-taille, ou pur vie, en droit sa feme, & aliena mesme le Terre, & devie; donques el avera cest Brief pur recouvrer la Terre.

And note, That in this Writ her Title must be shewⁿ, whether it be of the purchase, or inheritance of the woman. But if the husband alien the right of his wife, and the husband and the wife die, the wife's Heir may have a Writ of Sur cui in vita.

Et nota, Que en cest B^ref son Title doit estre monstre, si soit de purchase, ou inheritance la feme. Mes si le baron alien le droit sa feme, & le baron & la feme deviont, le Heire la feme avera un Brief de *Sur cui in vita*.

Cuinage.

Cuinage.

Cuinage. See Cuynage.

Cuinage. Veies *Cuynage.*
P 3 *Cunrey*

Cuntee.

Cuntee cuntee est un kind
d' Trial, cœ appiert p
Brac. en ceux pōls; *Negotium*
in hoc casu terminabitur per
Cuntee cuntee, sicut inter
Cohercācs, l. 4. tr. 3. c. 18. Et
aref ē m le lieu; In *Brevi de*
recto negotium terminabitur per
Cuntee cuntee. Et tiercemt.
l. 4. tr. 4. c. 2. *Terminabitur*
negotium per Brevi de recto, nōi
nec Duellum, nec magna Assisa,
sed per Cuntee cuntee omni-
no; le quel semble destir tant
come per l' ordinary Jury.

Curfew.

Curfew viēt des deux pa-
crols *Frāçois*, *Couvrir*, co-
ver, & *Feu*, Fire. Est use ove
nous p un Peale vespre, p q
le Conqueror cōmand chesc
home de prender garnie p le
couverture de son Feu, &
l' extinguishment de son Lu-
men: issint que en plusors
lieus a cest jour, ou un Cam-
pān est usualment tinta pro-
chein temps du Lest, il est
dit de tinter *Curfew*.

Curia avisare vult.

Curia avisare vult est un
Deliberation q le Cour
entēd prēdre sur asc' difficile
point d'ū Cause, devāt luge-
mēt soit resolve. Pur q l veies
le *Novel Livre d' Entries,*
verbo Curia, &c.

Cuntee.

Cuntee cuntee is a kind of
Triall-as appears by Brac.
in these words; The matter in
this case shall be ended by *Cuntee*
cuntee, as between Coheirs, l. 4. tr.
3. ca. 18. And again in the
same place; In a Writ of right
the business shall be determined by
Cuntee cuntee. And thirdly, l. 4.
tr. 4. c. 2. The cause shall be tried
by Writ of right, neither by Bar-
rel, nor by the great Assise, but by
Cuntee cuntee only; which seems
to be as much as by ordinary
Jury.

Curfew.

Curfew comes of two French
words, *Couvrir*, to cover,
and *Feu*, Fire. It is used
with us for an evening Peal,
by which the Conqueror wil-
led every man to take warn-
ing for the raking up his fire,
and putting out his Light:
So that in many places at
this day, when a Bell is cus-
tomably rung toward Bed-
time, it is said to ring *Cur-*
few.

Curia avisare vult.

Curia avisare vult is a Delib-
eration which the Court
purposes to take upon any
difficult point of a Cause, be-
fore Judgement be resolved on.
For which see the New Book of
Entries, verbo Curia, &c.

Currier.

Currier.

Currier is one that dresses
liquors Leather, and is
called of the French word Cuir,
id est, Corium, Leather. The
word is used in all the Sta-
tutes made for the good ma-
king of Leather, as in 1 Jac. cap.
22. &c.

Cursiter.

Cursiter is an Officer or
Clerk belonging to the
Chancery, who makes out
Original Writs. 14 & 15 H. 8.
cap. 8. They are called Clerks of
the Course in the Oath of Clerks
of the Chancery, appointed anno
18 Ed. 3. Stat. 5. There are of them
twenty four, who have allot-
ted unto each of them certain
Shires, into which they make
out such Original Writs as are
by the subject required, and are
a Corporation among them-
selves.

Curtesie of England.

Curtesie of England is, where
a man takes a wife seised in
fee-simple, or fee-tail general,
or seised as Heir of the tail spe-
cial, and hath issue by her, male
or female; be the issue dead or
alibe, if the wife die, the hus-
band shall hold the Land during
his life, by the Law of England.
And it is called Tenant by the
Curtesie of England, because this

Currier, ou Curoieur.

Curoieur est un que dresse
& liquor Cuir, & est ap-
pel del Francois parol
Cuir, id est, Corium. Cest
par Cursier est frequent en
tous les Statutes faits p^r le
bon seafance de Cuir, come
en 1 Jac. cap. 22. &c.

Cursiter.

Cursiter est un Officer ou
Clerk appartenant al
Chancerie, qⁱ fait hors Ori-
ginal Briefs. 14 & 15 H. 8.
cap. 8. Sont appel Clerks del
Course & le Serement des Cl^rks
del Chancerie, appointe an.
18 Ed. 3. Stat. 5. La sont de
ceux vint quare, qⁱ ont allotta
a chescun d'eux ascun Cour-
ties, en le quel ils font hors
riel Original B^res que sont
per le subject require, &
sont un Corporation int^r eux
mesmes.

Curtesie d'Angleterre.

Curtesie d'Angleterre est,
ou l'hoë prent feme seisie
en Fee-simple, ou Fee-tail ge-
neral, ou seisie cōe Heire d^e la
taille special, & ad issue p^r la
feme, male ou female; soit is-
sue mort ou en vie, si la feme
devie, le baron tiendra le T^re
durant sa vie, p^r la Ley d'*Ang-
leterre*. Et est appel Tenant per
la Curtesie d'*Angleterre*, p^r c^q est

est use ē nul autre Royalme
forsq̄ tātsolemēt ē *Angleterre*.
Si l'Enfant ne unques soit
vife, donque le baron ne serra
Tenant p̄ le Curtesie; mes
si l'issue soit nee en vie, ceo
suffist.

Si la feme soit deliuer d'un
Monster, que nad le shape
de homes, ceo nest pas Issue
en la Ley: Mes coment l'
issue ad ascun deformitie ou
defect en le maine ou pee, &
uncore ad humane shape, ceo
suffist de faire le baron Te-
nant per le Curtesie. Et en
ascun cases le Temps del ne-
stre est material, & en ascun
nemy. Pur ceo, si home prist
feme Enheretrix, q̄ est grand-
ment enseint per luy, &
l'issue est rippe hors d̄ sa ven-
ter en vie; ore il ne serra Te-
nant p̄ le Curtesie, car ceo
doit commencer p̄ l'issue, &
consummate per le mort la
feme, & l'Estate de Tenant
p̄ le Curtesie covient a tol-
ler l'immediare discent. Mes
si baron ad issue per sa feme,
& puis Trē descend al feme,
soit l'issue donque mort ou
en vie, il serra Tenant per
le Curtesie; car le temps del
nestre del issue nest mate-
rial, si ceo soit en la vie sa
feme.

Si Terres sont dones al
feme & al heires males de
sa corps, & el prist baron,
& ad issue fila, & mo-
rust; le baron ne serra Te-
nant p̄ le Curtesie, car l'

is not used in any other Realm
but onely in England. If the
Infant was never alive, then
the husband shall not be Te-
nant by the Curtesie; but if
the issue be born alive, it suf-
fices.

If the woman be delivered of
a Monster, which hath not the
shape of mankind, this is not
Issue in Law: But though the
issue hath some deformity or de-
fect in the hand or foot, and yet
hath humane shape, it suffices to
make the husband Tenant by
the Curtesie. And in some ca-
ses the Time of the birth is
material, and in some not.
Therefore, if a man marries a
woman Inheretrix, who is
great with child by him, and the
issue is ript forth of her belly
alive; there he shall not be Te-
nant by the Curtesie, for this
ought to begin by the issue, and
consummate by the death of the
woman, and the Estate of the
Tenant by the Curtesie ought
to avoid the immediate discent.
But if the husband hath issue by
his wife, and after Land di-
scends to the woman, be the is-
sue then dead or alive, he shall
be Tenant by the Curtesie; for
the time of the birth of the issue
is not material, if it be in the life
of the woman.

If Lands be given to a wo-
man and the heirs males of her
body, and she takes an husband,
and hath issue a daughter, and
dies; the husband shall not be
Tenant by the Curtesie, for the
issue

issue cannot by any possibility inherit the same Tenements. Also as a woman alien, marrying one of the King's subjects, shall not be endowed; in the same manner a man alien shall not be Tenant by the Curtesie.

Also if a man seised of Land in right of his wife be attainted of felony, having issue, and then purchases the King's Pardon, and after his wife dies; there he shall not be Tenant by the Curtesie: But if he hath issue by his wife born after the Pardon, in such case he shall.

Curtilage.

Curtilage is a Garden, Pard-field, or piece of void ground lying near and belonging to the Messuage, West part. 2. sect. 26. And so it is used 35 H. 8. c. 4. 39 Eliz. 2. Coke l. 6. fol. 64.

Customary Tenants.

Customary Tenants are such Tenants as hold by the Custom of the Manor, as their special Evidence.

Custom.

Custom may be defined to be a Law or Right not written, which being established by long use, and consent of our Ancestors, hath been and daily is put in practice. Cu-

issue ne poit p asc' possibilitie enherier mesme les Tenements. Auxy come un feme alien, espousant un subject del Roy, ne serra endowe; en mesm le manner un home alien ne serra Tenant per le Curtesie.

Aux si home seisie de Tfe en droit sa feme soit attaint d Felonie, ayant issue, & donq purchase le Pardon le Roy, & puis son feme morust; la il ne serra Tenant p le Curtesie: Mes si ad issue per son feme nee puis le Pardon, en tiel case il serra.

Curtilage.

Curtilage est un Garden, Yard, Campe, ou piece de vacant tre gisant pcheine & apperteināt al Meilluage, west part. 2. sect. 26. Et issint est use 35 H. 8. c. 4. 39 Eliz. 2. Coke l. 6. fol. 64.

Customaire Tenants.

Customaire Tenants sont tiel Tenants q tient d la Custome del Manor, cōe leur special Evidence.

Custom.

Custom poit este define destre un Ley ou Droit nient escrie, q esteant estable p veil use, & le consent de nostre Ancestors, ad este & jouremēt est mise en ure. Custom

some est ou general ou particular. *General* est c' q' est approuve p' tout *Angleterre*, de queux vous poyes lier ē *Doctor & Student*, l.i.c.7. plusors fort digne destre conus. *Particular* est c' q' appartient a c' ou tiel Countie, cōc *Gavelkind* at *Kent*, ou a c' ou tiel *Shrieve*, *Citie*, ou *Ville*.

Customes differt del Prescription, p' ceo q' Customes est comon a plusors, & Prescription, p' l'opinion d'ascun, est particular a cel ou tiel home. Auxy Prescription poit estre p' un plus curt temps q' Customes, sc. p' cinque ans ou meins : Cōc si Fine soit dument levie d' *Tres* ou *Tenements*, & ne soit dedit deins cinq ans, c' est Barre a chesc' *Claim* a tous jours.

Si hōe omitta son Continual claime p' un an & jour, donq' le Tenant ē possession prescribe ū *Privilege* envers l' *Entree* le Demandant & son Heire, *Fitzh. Nat. Brev.* 79. Hors de nostre Statutes vous poyes aver plus grand diversite ; isint q' ceo semble destre un vover dit, Que Prescription est ū *Exception* foundue sur tant temps a le & passe q' le Ley limitta p' le pursuance d'ascun *Action*. Un exemple poit estre prise hors del Statute d' *1 H.8.c.4.* que enact, Que ē tous *Actions* populaires informatiōs serra fait deins trois ans puis l'offence commit, autrement destre de nul vigour.

some is either general or particular. General is that which is current through *England*, where of you may read in *Doctor and Student*, l.i.c.7. many very worthy to be known. Particular is that which belongs to this or that County, as *Gavelkind* to *Kent*; or to this or that *Shire*, *City*, or *Town*.

Customes differs from Prescription, because Customes is common to many, and Prescription, by the opinion of some, is particular to this or that man. Again, Prescription may be for a shorter time then Customes, sc. for five years, or lesse : As if a Fine be duly levied of Lands or Tenements, and be not gainsaid within five years, this is a Bar to all Claim forever.

If a man omits his Continual claim for a year and a day, then the Tenant in possession prescribes an Immunity against the Entry of the Demandant and his Heir, *Fitzh. Nat. Brev.* 79. Out of our Statutes you may have greater diversity : so that this seems to be a true saying, That Prescription is an Exception founded upon so long time gone and past as the Law limits for the pursuit of any Action. An example may be taken out of the Statute of *1 H.8.c.4.* which enacts, That in all Actions popular information shall be made within three years after the offence committed, otherwise to be of no force.

Customes

Custom is also used for the Tribute or Toll that Merchants pay to the King, to carry in and out Merchandizes. 14 E. 3. Stat. 1. c. 21. In which signification it is called *Custuma* in Latine. Reg. orig. 129. a. 138. a.

And lastly, for such Services as Tenants of a Manor owe unto their Lord. Old Book of Entries, word *Custom*. See *Consuetud. & Servitiis*.

Custos Brevium.

Custos Brevium is the chief Clerk belonging to the Court of Common Pleas; whose office is to receive and keep all the Writs, and to put them upon Files, every Return by it self, and at the end of every Term to receive of the Prothonotaries all the Records of *Nisi prius*, called the *Postea*. The *Custos Brevium* also makes entry of Writs of Covenant, and the Concord upon every Fine, and makes out Exemplifications and Copies of all the Writs and Records in his Office, and of all the Fines levied. The parts of the Fines, after they are ingrossed, are divided between the *Custos Brevium* and the Chirographer: whereof the Chirographer keeps always the Writ of Covenant, and the Note; the *Custos Brevium* keeps the Concord, and the Foot of the Fine, upon which Foot the Chirographer causes the Pro-

Custom est auxy use p^r le Tribute ou Toll que Merchants payeront al Roy de porter eins & hors Merchandizes, 14 E. 3. Stat. 1. c. 21. En quel signification est appel *Custuma* en Latine, Reg. orig. 129. a. 138. a.

Et deniermt, p^r tiels Services que Tenants d'un Manor doient a leur S^rh. Veiel h^rre d'Entries, verb^{us} *Custom*. Veies *Consuetud. & Servitiis*.

Custos Brevium.

Custos Brevium est le premier Clerk appartenant al Court de Common Plees; l'office de quel est de recevoir & tenir tous les Briefs, & mettre eux sur Files, chescun Returne p^r luy mesme, & al fine de chesc' Terme d^e recevoir del Prothonotaries tous les Records de *Nisi prius*, appel le *Postea*. Le *Custos Brevium* aux fait entree des B^res d^e Covenant, & le Concord sur chesc' Fine, & fait hors Exemplifications & Transcripts de tous les B^res & Records en son Office, & de tous les Fines levie. Les Fines, puis q^u ils sont engrossé, les parts de ces sont divide p^r le *Custos Brevium* & le Chirographer; d^e q^u le Chirographer reteigna tous foits le Brief de Covenant & le Note; le *Custos Brevium* reteina le Concord, & Pee del Fine, sur quel Pee le Chirographer causaist les Pro-

clamations desir indorse que
ils tous sont pclaime.

clamations to be indorsed when
they are all proclaimed.

Custos Rotulorum.

Custos Rotulorum.

Custos Rotulorum est celuy
q ad le Custody des Rolls
ou Records des Sessions del
Peace, & cōe ascuns semble,
del Commission del Peace
mesme, *Lam. l.4. c.3. p.373.*
Il est tous foits Justice del
Peace & Quorum en le Coun-
ty ou il ad son Office; & p
son Office il est pluistost ap-
pel un Officer ou Minister,
que un Judge, pur ceo que le
Commission del Peace im-
pose ceo especial Charge per
expresse parols sur luy, *Quod
ad dies & loca predicta Bre-
via, Precepta, Processus &
Indictamenta predicta coram
te & dictis Sociis tuis venire
facias.*

Custos Rotulorum is he that
hath the keeping of the
Rolls or Records of the Ses-
sions of the Peace, and, as some
think, of the Commission of the
Peace it self, *Lam. l.4.c.3. p.373.*
He is always Justice of the
Peace and Quorum in the Coun-
ty where he hath his Office;
and by his Office he is rather
termed an Officer or Minister,
then a Judge, because the Com-
mission of the Peace lays this
special Charge by expresse words
upon him, That he should cause
the Writs, Precepts, Processe and
Indictments aforesaid to come and
be before him and his fellow-Justi-
ces at the days and places afore-
said.

Custos des Spiritualities.

Gardian of the Spiritualities.

Custos des Spiritualities est
celuy q exercisa le Spiri-
tual & Ecclesiastical Juris-
diction d'ascun Diocesse du-
rant le Vacancie del See;
l'appointment de quel per le
Ley Canon appertein al
Dean & Chapitre, *Ne Sede
vacante aliquid innovetur.*
Mes en Angleterre l'Archie-
vesque del Province ad ceo
per Prescription. Uncore
plusors Deanes & Chapi-
ters (come dit M. Gwyn en
le Preface a son Lectures) de-

Gardian of the Spiritualities is
he that exercises the Spiri-
tual and Ecclesiastical Jurisdi-
ction of any Diocesse during the
Vacancy of the See; the ap-
pointment of whom by the Ca-
non Law pertains to the Dean
and Chapter, lest in the Vacan-
cy of the See some Innovation should
be introduced. But in England
the Archbishop of the Province
hath it by Prescription. How-
beit many Deans and Chap-
ters (as M. Gwyn saith in his
Preface to his Readings) chal-
leng;

leuge this by ancient Charters
from the Kings of this Land.

mande ceo p veils Chartres
des Roys de cest Terre.

Cuynage.

Cuynage is a word used in the
Statute of 11 H. 7. c. 4. for
the making up of Tinne into
that fashion as it is used to be
framed, for the better carriage of
it into other parts.

Cuynage.

Cuynage est un parol use e
le Statute 11 H. 7. c. 4. p
le framer d'Estaigne en tiel
forme come solont d' ceo fra-
mer, p le pluis apt portage de
ceco en auters lieux.

D

Dammage.

Dammage is part of that
which the Jurors are
to enquire of, in gibing
their Verdict for the
Complainant or De-
mandant in an Action real or
personal. For after the Ver-
dict given upon the principal
matter, they are also asked their
consciencs touching Costs,
which are the Expences of the
Suit, and Dammages, which con-
tain the prejudice which the
Plaintiff or Demandant hath
suffered by means of the wrong
done him by the Defendant or
Tenant.

And forasmuch as Justice and
Reason require, that when the
life, credit, lands, goods, cor-
ruption of blood, and all that a
man hath to forfeit in this
world, are put in peril without
just cause, but onely upon the
malicious Accusation of an-
other by Appeal, that the Ap-

D

Dammage.

Dammage est un part
de ceo q les Jurors
sont d'enquie, don-
nant leur Verdict
p le Plaintife ou
Demandant en u Action real
ou psonal. Car puis le Ver-
dict done sur le principal
cause, ils sont auxy demand
leur consciencs touchant
Costs, queux sont les Ex-
pences del Suit, & Damma-
ges, q contene le parde q le
Plaintife ou Demandant ad
fusteine per cause del tort a
luy fait p le Defendant ou
Tenant.

Et entat q Justice & Rea-
son voilont, q quant le vie, le
credit, les fres, les biens, le
corruption de son sanke, &
tout ceo q home ad a forfeit
e cest monde, sont mise e pe-
ril sans voyer cause, mes sole-
int sur le malicious Accusati-
on dun auf pAppeale, q l'Ap-
pellee

pellee auroit satisfaction p
ceo envers son faux Accuser,
& sil nad sufficient, donque
vers luy. ou ceux que luy ab-
betta ou procura de pursuer
le Appeale: Par ceo le Com-
mon Ley donast Damages al
Defendant en un Appeale, &
assigne a luy un meane pur le
recoverie de eux, quāt il fust
acquite del Felony, come est
48 Ed. 3. 22. Mes entant
que les Damages vers les Pro-
curors & Abbettors fueront
destre recover per Original
Brief, cestascavoir, p Brief
de Conspiracy, & nient
autrement, que ne fust cy
cunt remedeie come le heinous
degree del tort require, le
Statute de *Westminster* le 2.
An. 13 Ed. 1. ca. 12. pur
le plus subite redresse fuit
ordaine.

Mes si le Defendant barre
le Plaintife de son Appeale,
donque il ne poit recover
Damages p l' dit Stat. envers
l' Plaintife, forsque le Barre
soit tiel q acquite le Defend'
al Felonie. Et si le Defendant
plead que le Appellant est ou
Bastard, ou ad un Eigne frere,
ou tiels Pleas en barre, &
per eux barre le Plaintife;
uncore il ne recouvrera Dam-
ages vers luy, pur ceo que
le Defendant poit estre en-
dite arere de mesme le Fe-
lonie, & attainit, nient ob-
stant aucun de ceux Pleas;
car per eux le innocen-
cie del Defendant nest pas

pelles should have satisfaction
therefoze against his false Accu-
ser, and if he hath not sufficient,
then against him or them that
abbetted or procured him to
pursue the Appeal: Therefore
the Common Law gave Dam-
ages to the Defendant in an
Appeal, and assigned him a
means for the recovery thereof,
when he was acquitted of the
felony, as it is 48 E. 3. 22. But
forasmuch as the Damages
against the Procurors and Ab-
bettors were to be recovered by
Original Writ, that is, by
Writ of Conspiracy, and not
otherwise, which was not so
speedy a remedy as the heinous
quality of the wrong required;
the Statute of Westm. the 2. An.
13 Ed. 1. cap. 12. for the more
expeditious redress thereof was
ordained.

But if the Defendant barrs
the Plaintiff of his Appeal,
then he cannot recover Dam-
ages by the said Statute a-
gainst the Plaintiff, except the
Barr be such as acquits the
Defendant of the felony. And
if the Defendant pleads that
the Appellant is a Bastard, or
hath an Elder brother, or like
Pleas in barre, and thereby
barrs the Plaintiff; yet he shall
not recover Damages against
him, because the Defendant
may be indicted again of the
same felony, and attained,
notwithstanding any of those
Pleas; for by them the inno-
cency of the Defendant is not
tried.

tried, and therefore he shall not have Damages. 27 Aff. pl. 25. The same law is, if the Defendant bars the Appellant by Demurrer in Law: And so it is, if in Appeal of the death of a man the Defendant pleads to the issue, and it is found by Verdict that he killed the man in his own defence, or by Chance-medley; in these cases he shall not recover Damages. But if the Defendant in Appeal hath the Release of the Appellant, or the King's Pardon, and will waive them, and plead Not guilty, and is acquitted; in this case he shall recover Damages.

This word Dammage is taken in the Law in two several significations; the one properly and generally, the other strictly and relatively. Properly, as it is in cases where Damages are founded upon the Statute of 2 Hen. 4. cap. 1. and 8 Hen. 6. cap. 9. where Costs are included within this word Damages; for Damnum in its proper and general signification is said à demendo, when a thing by Diminution is made worse; and in this sense Costs of Suit are Damages to the Plaintiff, for by them his substance is diminished. But when the Plaintiff declares the wrong done to him to the Damage of such a summe, this is to be taken relatively for the wrong which is passed before the Writ brought, and are assessed

trie, & par ceo il navera Damages. 27 Aff. pla. 25. Mesme le ley est, si le Defendant barre le Appellant p Demurrer en Ley: Et issint est, si en Appeale del mort d'un home le Defendant plead al issue, & est 'trove p Verdict que il occide le hōe en sō defence demesne, ou per Misadventure; en ceux cases il ne recouvrera Damages. Mes si le Defendant en Appeale ad le Release del Appellant, ou le Pardon le Roy, & voile eux waiver, & pled' Nient culpable, & est acquite; en cest case il recouvrera Damages.

Cest parol Damna est prise en la Ley en deux several significations; l' un proprement & generalment, l' autre relative & stricte. Properment, come est en cases ou Damages sont foundue sur le Stat. de 2 H. 4. cap. 1. & 8 H. 6. c. 9. ou Costs sont enclude deins cest parol Damages; car Damnum en son proper & general signification dicitur à demendo, cum Diminutione res deterior fit: & en cest sens Costs de Suit sont Damages al Plaintif, car per eux res sua diminuit. Mes quant le Plaintif monst' le tort fait a luy a Damage de tiel summe, ceo est destre prise relative par le tort que est passe devant le Brief port, & sont assesse
occasione

occasione Transgressionis prædictæ, & ne poit extender al Costs del Suit que sont future, & d' un auter nature. *Veies Co.lib. 10. f. 116, 117.*

by reason of the Trespass aforesaid, and cannot extend to Costs of Suit which are future, and of another nature. *See Co. l. 10. f. 116, 117.*

Dammage fésant.

Dammage fésant.

D*ammage fésant* est, quāt les Beasts de un estrang' sont en aūes fies, sans licence del Tēte d' la frē, & la mangeront, tread', ou aufment spoilont les blees, grasse, bois, ou tiels semblables: En quel case le Tenant que ils issint damage poit p' c' pnder, distraīn & impound eux, cybien en le nuit come en le jour. Mes en auters cases, come pur Rent & Services, & tiels sembles, nul poit distraīne en le nuit.

D*ammage fésant* is, when a stranger's Beasts are in another man's ground, without licence of the Tenant of the ground, and there do feed, tread, and otherwise spoil the corn, grass, woods, and such like: In which case the Tenant whom they damage may theretofore take, distrain and impound them, as well in the night as in the day. But in other cases, as for Rent and Services, and such like, none may distrain in the night.

Danegeld.

Danegeld.

D*anegeld* est, quietū esse de quodā Tributo q' quidē Dani levaverūt in Anglia: Auxy le Tribute mesme.

Ceo comēce primerment en temps le Roy *Etheldred*, q' esteant en grand distresse per le continual Invasion de les *Danes*, pur purchaser Paix, fuit compell' de charge son Pais & people ove grand Paym'ts; car il primerint done eux al cinq several paym'ts 113000. li. & puis grant al eux 48000. li. annualment.

D*anegeld* is, to be quit of a certain Tribute which the Danes did leve in England: Also the Tribute it self.

This began first in the time of King *Etheldred*, who being sore distressed by the continual Invasion of the Danes, to purchase Peace, was compelled to charge his Country and people with great Paiments; for he first gave them at five several payments 113000. lib. and afterwards granted them 48000. li. yearly.

Darreine Presentment.

DArreine Presentment; an Assise thereof lies where I or mine ancestors have presented a Clerk to a Church, and after, the Church being void by the death of the said Clerk, or otherwise, a stranger presents his Clerk to the same Church in disturbance of me. And how it is otherwise used, see Bract. lib. 4. tract. 2. Regist. orig. fol. 30. If husband and wife present to an Advowson in right of the wife, which is appendant to the Mannor of the wife; and after the husband alienes an Acre, parcel of the Mannor, with the Advowson in fee, to a stranger; and dies, and after the stranger presents, and then alienes the Acre to another in fee; saving the Advowson to himself, and after the Church is void; there the wife shall present; and if she be disturbed, she shall have an Assise of Darreine Presentment; because the Advowson was severed from the Acre. But if the Advowson was appendant to the Acre, then the wife ought to recover the Acre before she presents to the Advowson. Fitz. Nat. Brev. 32.

Dean and Chapter.

Dean and Chapter is a Body corporate spiritual, consisting of many able persons;

Darreine Presentment.

DArreine Presentment; Assise de ceo gift ou jeo ou mon ancestors ad p'sent un Clerk al un Esglise, & puis, le Esglise esteant voyde p le mort del dit Clerke, ou autrement, un estranger present son Clerke al mesme Esglise en disturbance de moy. Et coment ceo est autrement use, veies Bract. lib. 4. tract. 2. Regist. orig. fol. 30. Si baron & feme present al Advowson en droit la feme, que est appendant al Manior la feme, & puis le baron alien un Acre, parcel del Manior, ove le Advowson en fee, a un estranger, & devie, & puis le estranger presentera, & puis alien le Acre a un autre en fee, s'avant le Advowson a luy mesme, & puis le Esglise voida; ore la feme presentera, & sel soit disturbe, el avera Assise de Darreine Presentment; p ceo que l' Advowson fuit sever del Acre. Mes si l' Advowson fuit appendant al Acre, donque covient al feme a recover le Acre avant que el presentera al Advowson. F. N. B. 32.

Dean & Chapter.

Dean & Chapter est un Corps corporat spiritual, consistant d'plusors able p'sons, some

come nosmeint de Deane (q est principal) & ses Prebends; & ils ensemble font le Corporation. Et sicome cest Corporation poyée joyntment purchase Terres & Tenements al use de leur Eglise & Successors; issint auxy chescun de eux severaument poit purchase al use de luy & ses heires.

Et sicome la sont deux Foundations d' Eglises Cathedral en Angleterre, le Vieil & l'Novel; (l'Novel sôt ceux queux le Roy Henry le huit, sur suppression d' Abbies, transform de Abbot, ou Prior & Covent, al Dean & Chapter;) issint la sont deux means del Creation de ceux Deanes: car ceux del Vieil Foundation sont conferé a leur Dignity semble al Evêques; le Roy primerment mittant hors son *Congee deslire* al Chapter, le Chapter donque essant, le Roy rendât son Royal assent, & l'Evêque luy confirmant, & donant son Mandate de luy installer. Ceux del Novel Foundation sôt p un voy plus curt enstallé p les Letters Pat^r del Roy, sans ault Election ou Confirmation.

Cest parol est auxy apply aux divers que sont les prins de certaine peculiar Eglises ou Chappels; come le Deane del Chappel del Roy, le Deane del Arches, le Deane del Chappel d S. George en Windfor, &c.

as namely the Dean (who is chief) and his Prebends; and they together make the Corporation. And as this Corporation may jointly purchase Lands and Tenements to the use of their Church and Successors; so likewise every of them severally may purchase to the use of himself and his heirs.

And as there are two Foundations of Cathedral Churches in England, the Old and the New; (the New are those that King Henry the eighth, upon suppression of Abbies, transformed from an Abbot, or Prior and Covent, to Dean and Chapter;) so there are two means of Creation of these Deans: for those of the Old Foundation are brought to their Dignitie like Bishops; the King first sending his Congee deslire to the Chapter, the Chapter then chusing, the King yielding his Royal assent, and the Bishop confirming, and giving his Mandate to install him. Those of the New Foundation are by a shorter course enstalled by the King's Letters Patents, without other Election or Confirmation.

This word is also applied to divers that are the chief of certain peculiar Churches or Chappels; as the Dean of the King's Chappel, the Dean of the Arches, the Dean of Saint George's Chappel in Windfor, &c.

Debet & solet.

Deber & solet are words used in the *Old Natura Brevium*, fol. 98. The writ of *Secta molendini*, being in the *Debet & solet*, is a writ of Right, &c. And again, fol. 69. A writ of *Quod permittat* may be pleaded in the County before the Sheriff, and may be in the *Debet & solet*, or the *Debet* onely, as the Demandant claims. Wherefore note, That these writs that are brought in such sort take these words in them, as formal words not to be omitted.

And according to the diversity of the Case, the *Debet & solet* are used, or the *Debet* onely. As if a man by writ sues to recover any right, whereof his ancestor was disseised by the Tenant or his ancestor; then he uses onely the word *Debet* in his writ, and it is not apt to be *Solet*, because his ancestor was disseised, and the Custom discontinued: but if he sues for any thing that is first denied him, then he hath both these words, *Debet & solet*; because his ancestor before him and himself have usually enjoyed the thing for which he sues, as Suit of the Mill, or Common of Pasture, untill this present refusal of the Tenant. Reg. orig. fol. 144. a.

Debet & solet.

Deber & solet sont parols d'usage en le *Veiel Natura Brevium*, fol. 98. Le Brief de *Secta molendini*, estant en le *Debet & solet*, est un B're de Droit, &c. Et arere, fol. 69. Un Brief de *Quod permittat* peut estre pleade e le Countie devant le Vis'e, & peut estre e le *Debet & solet*, ou le *Debet* seulement, come le Demandant clame. Par q' nota, Que ceux B'res q' sont port e tiel sort ont ceux polx e eux, cōe formal parolx nient destre omit.

Et accordant al diversitie del Case, le *Debet & solet* sont use, ou le *Debet* tantum. Cōe si hōe p' B're sue de recover asc' droit de q' son ancestor fuist disseise p' le Tenant ou son ancestor; dunque il use seulement le parol *Debet* en son B're, & nest apt de user *Solet*, p' ceo q' son ancestor fuist disseise, & l' Usage discontinued: mes sil sue p' asc' chose que est primerment denie a luy, dunque il ad ambideux ceux parols, *Debet & solet*; p' ceo que ses ancestors devant luy & luy mesme ont usualment enjoy le chose p' q' il fuist, cōe Suit al Molin, ou Common de Pasture, jesque cest present refusal del Tenant. Reg. orig. fol. 144. a.

Debet & Detinet.

DEbet & Detinet: Mult
peut estre dit d'ceux pa-
rols q' ad estre dit des parols
pcheine adevant. Come, si
home soit obligé a un autre,
& faic son Executor, & mor-
rust, & l'argent fuist due e le
temps del Testator, & apres
l'Executor ceo ne rendra pas;
la l'Action port vers luy pur
ceo serra e le Detinet tantu:
& issint e tous Actions port
p Executors come Executors,
le Bfe serra e le Detinet tan-
tum, conit q' le durie accrue
en lour temps demesne, p ceo
q' le chose ou damages re-
cover serra Assets.

Mes si Lessee pur ans ren-
dant Rent fait ses Execu-
tors, & morust, & le Rent in-
curre puis le mort del Testa-
tor; ore Action d' Debt serra
port en le *Debet & Detinet*:
car quant Executor ou Ad-
ministratoz prist les Profits,
rien serra Assets mes les Pro-
fits ouster le Rent. Come
si le Terre vault dix livrs
per an, & cinque livrs est
reserve; en cest case rien
serra Assets forsique le cinque
livrs ouster le Rent, & pur
ceo le Bfe serra pur le Rent
en le *Debet & Detinet*. Coke,
l. 5. fol. 31.

Debet & Detinet.

DEbet & Detinet: Much may
be said of these words that
hath been spoken of the words
next afoze. As, if a man be
bound to another, and makes
his Executor, and dies, and the
money grows due in the time of
the Testator, and afterward the
Executor pays it not; the Ac-
tion brought against him therefore
shall be in the Detinet onely;
and so in all Actions brought by
Executors as Executors, the
Writ shall be in the Detinet on-
ly, although the duty accrued in
their own time, because the thing
or damages recovered shall be
Assets.

But if Lessee for years ren-
dering Rent makes his Execu-
tors, and dies, and the Rent in-
curs after the death of the Te-
stator; there an Action of Debt
shall be brought in the Debet &
Detinet: for when an Executor
or Administrator takes the Pro-
fits, nothing shall be Assets but
the Profits above the Rent.
As if the Land is worth ten
pound by the year, and five
pound is reserved; in this case
nothing shall be Assets but the
five pound above the Rent, and
therefore the Writ shall be for the
Rent in the Debet & Detinet.
Coke, l. 5. fol. 31.

Decem Tales.

Decem Tales. ~~Dec~~ Tales.

Decies tantum.

Decies tantum is a Writ that lies where a Juror in any Enquest takes money of the one part or other, to give his Verdict; then he shall pay ten times as much as he hath received: and every one that will sue may have Action, and shall have the one half, and the King the other.

But if the King in such case release by his Pardon to such a Juror, yet that shall be no Bar against him that brings the Action, who shall recover the other half, if his Action be commenced before the Pardon of the King; but if the Pardon be before any Action, it is a Bar against all men.

And the same law is of all other Actions popular, where one part is to the King, the other to the party that sues. And the Embracers, who procure such Enquests, shall be punished in the same manner, and they shall have Imprisonment a year. But no Justice shall enquire thereof ex officio, but only at the Suit of the party.

Deciners.

Deciners are such as were wont to have the oversight and command of Ten free

Decem Tales.

Decem Tales. *Veies Tales.*

Decies tantum.

Decies tantum est un Breve q' gist lou ū Juror ē asc' Enquest prist argēt d'un prie ou d'aut, p' done son Verdict; donques il payera dix foits a tant q' il ad receive: & chescun que voile suer poit aver l'Action, & avera l'un moietie, & le Roy l'auter.

Mes si le Roy en tiel case release p' son Pardon a tiel Juror, uncore ceo ne serra Barre vers cestuy q' port l'Action, q' recove l'aut moietie, si son Action soit comencee devant le Pardon le Roy; mes si le Pardon soit devant asc' Action, il est Barre encounter tous gens.

Et mesme le ley est d' tous Actions populars, lou un part est al Roy, l'auter al partie q' suera. Auxy les Embracers, que peurent tiels Enquests, seront punie en mesme le maner, & ils averont Imprisonment d'un an. Mes nul Justice enquirera de ceo de Office, mes seulement al Suit del partie.

Deciners.

Deciners sont tiels queux soloyent d'aver le survey & check de Dix freeburges,

burgs, p le mainrenance del Peace le Roy ; & les Limits ou Circuit de leur Jurisdiction on fait appel *Decenna*. *Bract. l. 3. tract. 2. c. 15.* Auſ poyes lier *Flet. l. 1. c. 27. & Reg. orig. fol. 68. b.*

Ceux ſemble d'aver grand authoritie en le temps des Saxons, pndant conuſance de Cauſes deins leur Circuit, & reſormant torts per voy de Jugeſnt, cde poyes lier en les Leyes del Roy. *Edw. pub. lie p Lambert, num. 32.* Auſ la eſt mention fait de ceux en *Britton, c. 12.* q dit Ede pſen le Roy (come il eſcria roud ſon Livre) en tiel maunent Nous voillomus q tous riels q ſont 14 ans d'age ſairoſt ſereſnt q ils ſerront ſufficient & loyal a Nous, & q ils ne voilent eſt Lurons, ne aſſentant a Lurons, & q tous ſoyent pſeſſe deſſi de cep ou tiel *Dozein*, & faire ou offer Baile d' leur Behavior p ceux ou cels *Deciners*; exceptant Religious perſons, Clerks, Chivalers, & leur eigne ſirs, & Femes. Uncore meſme l' Author e ſo 29. chap. pchein al ſine dij, Que tous al age d' 12 ans & deſuis ſont puniſſable p nient vener al Tourne de Viſe, exceptant Countees, Prelates, Barons, Religious pſons, & Femes.

Meſme le ley eſt ou les *Deciners* ſont preſentment, que un Laron eſt priſe pur Larcenie, & deliver al

Burgs for preſerving the King's Peace ; and the Limits of Circuit of their Jurisdiction was called *Decenna*. *Bract. l. 3. tract. 2. c. 15.* Also you may read *Flet. l. 1. c. 27. and Reg. orig. fol. 68. b.*

These ſeemed to have large authority in the Saxons times taking knowledge of Cauſes within their Circuit, and redreſſing wrongs by way of Judgment, as you may read in the Laws of King Edward, ſet out by Lambert, num. 32. Also there is mention of theſe in *Britton, c. 12.* who ſaith in the King's verſion (as he writes his whole Book) in this manner We will that all ſuch as are fourteen years of age ſhall make oath that they ſhall be ſufficient and loyal unto Us, and that they will not be felons, nor aſſenting to felons, and that all be profeſſed to be of this or that *Dozein*, and make or offer Surety of their behaviour by theſe or thoſe *Deciners*; except Religious perſons, Clerks, Knights, and their eldeſt ſons, and widows. Per the ſame Author in his 29 chap. near the end ſaith, That all at the age of 12 years or above are puniſſable for not coming to the Sheriff's Tourn, excepting Earls, Prelates, Barons, Religious perſons, and widows.

The ſame law is where the *Deciners* make preſentment, that a felon is taken for Theft, and delivered to the Sheriff.

Sheriff, And Kitchen out of the Register, and Britton saith thus. Religious persons, Clerks, Knights, or women, shall not be Deciners, fol. 33. Whence it may be gathered, that this word implies nothing else but such a one as by his Oath of Loyalty to his Prince is settled in the combination or society of a Dozein, for it is not usual at this day to find Surety so to doe. And now a Dozein seems to extend so far as the Leet extends, because in Leets onely this Oath is administered by the Steward, and taken by such as are of the age of twelve years and upward, dwelling within the Precinct of the Leet where they are Sworn. Fitzh. Nat. Brev. 161a. The particulars of this Oath you may reade in Bracton, l. 3. tract. 2. c. 11. num. 1. where he puts down fifteen years for the age of those that are sworn to the King's Peace; but l. 3. tract. 2. c. 11. num. 5. he names twelve years. See Inlaugh.

From which Premisses may be observed the difference between the ancient and these our times in this point of Law and Government, as well for the age of those that are to be sworn, as also that Deciner is not now used for the chief man of a Dozein, but for him that is sworn to the King's Peace; and lastly, that now there are not any Dozeins, but Leets; and that ordinarily no man gives other Security for keeping the

Vise. Et Kitchen hors del Register, & Britton isint dit, Religions psons, Clerks, Chivaliers, ou Femmes ne seront Deciners, fol. 33. Hors de quel poit estre collect, q cest parol riens autermt implie mes tiel q p son Serement de Loyaltie a son Prince est settle e le fraternitie ou societie d'un Dozeine, car nest usual a cest jour d trover Suretie isint a faire. Et james un Dozeine semble d'extendre cy tant cōe le Leet extendra, p ceo q e Leets solemt cest Serement est administer p le Seneschal, & prise p tiels q sont d'age d 12 ans & desuis, resident deins le compassse del Leet ou ils sōt jurus. Fitzh. Nat. Brev. 161a. Les particulars de cest Serement poyes lier e Bract. l. 3. tract. 2. c. 11. num. 1. ou il mita eins quindixe ans pur l'age de ceux q sont jurus al Peace le Roy; mes l. 3. tract. 2. c. 11. num. 5. il nosme douze ans. Veies Inlaugh.

Hors de queux Premisses poit este observe le diversitie penter l'ancien & ceux de nre temps e cest poine d Ley & Government, cybien p l'age d ceux q sont destre jure, cōe auxy q Deciner nest james use pur le premier heine d'un Dozeine, mes pur luy q est jure al Peace le Roy; & derniermt, q james la ne sont asc' Dozeines, forsque Leets; & q nul home communemt done aut Securitie p gard le Peace

Peace le Roy mes son Serement demesne, & q̄ p̄ ceo nul respondera pur l'offence d'un autre, mes chescun pur luy mesme.

King's Peace but his own Oath, and therefore no one shall answer for the transgression of another, but every one for himself.

Declaration.

Declaration est un Monstrance en escript de le grieve & complaint de le Demandant ou Plaintiff envers le Tenant ou Defendant, en q̄ il suppose de aver receive tort. Et cest Declaration doit estre plaine & certaine, pur ceo q̄ il impeach le Defendant, & auxy chascun celuy a responder. Mes nota, que tiel Declaration fait p̄ le Demandant vers le Tenant en Action real est p̄permett appel un Count.

Nota, Que le Count ou Declaration doit contene Demonstration, Declaration, & Conclusion. Et en Demonstration sont conteynes troys choses, (cest adire) que se pleynte, envers que, & de quel chose. Et en le Declaration doit estre comprise, comment & en quel maner le cause del Action surdit entre les parties, & quant, & quel jour, an, & lieu, & a que l'Action serra done. Et en Periclose il doit averre & profer de prover son Suit, & monst̄ les Damages queux il susteine per le tort a luy fait.

Declaration.

Declaration is a Shewing in writing the grief and complaint of the Demandant or Plaintiff against the Tenant or Defendant, wherein he supposes to have received wrong. And this Declaration ought to be plain and certain, both because it impeaches the Defendant, and also compells him to make answer thereto. But note, that such Declaration made by the Demandant against the Tenant in an Action real is properly called a Count.

Note, That the Count or Declaration ought to contain Demonstration, Declaration, and Conclusion. And in Demonstration are contained three things, (that is) him who complains, against whom, and for what matter. And in the Declaration there ought to be comprised, how and in what manner the Action rose between the parties, and when, and what day, year, and place, and to whom the Action shall be given. And in the Conclusion he ought to averre and profer to prove his Suit, and shew the Damages which he hath sustained by the wrong done him.

De deoneranda pro rata portionis.

DE deoneranda, &c. is a Writ that lies where one is distressed for Rent, that ought to be paid by others proportionably with him. Fitz. Nat. Brev. fol. 234.

Dedimus potestatem.

Dedimus potestatem is a Writ that lies where a man sues in the King's Court, or is sued, and cannot well travell, then he shall have this Writ directed to some Justice, or other discreet person in the Countrey, to give him power to admit some man for his Attourney, or to levy a fine, or to take his Confession, or his Answer, or other Examination, as the matter requires.

Defalt.

Defalt is an Offence in committing that which we ought to doe; and most commonly taken for Non-appearance in Court at a day assigned. Bract. lib. 5. tract. 3. and Fleta lib. 6. cap. 14.

Defamation.

Defamation is when a man speaks Slanderous words of any other man, Court of Justice, Magistracy, or Title of

De deoneranda pro rata portionis.

DE deoneranda, &c. est un Brief q gist lou un est distrein p Rent, q doit estre paye p auters proportionablement ove luy. Fitz. Nat. Brev. fol. 234.

Dedimus potestatem.

Dedimus potestatem est un Bre q gist lou un hōe suā en le Court le Roy, ou est sue, & ne puit bien travailler, donques il avera cest Bre direct a ascū Justice, ou aut discret pson en le Pays, de doner a luy power pur admettre ascū p son Attourney, ou d' levie Fine, ou de prendre son Confession, ou son Respons, ou autre Examination, cōe le matter require.

Defaut.

Defaut est un Offence en comitting ceo que doit estre fair; & plais communement pris p Non-apparence en Cour a jour assigne. Br. lib. 5. tract. 3. & Fleta lib. 6. cap. 14.

Defamation.

Defamation est quāt hōe ple Scandalous pols de asc' autre hōe, Court de Justice, Magistracie, ou Title d' fre :

ere: p quel le partie serra punie accordant al nature & qualite de son offence; ascū foirs per Actiō sur le Case pur Slander, al Common Ley & auter foirs en le Court Christian. Come si home contrive alc. Faux, novels, & horribles, & faux Mel-soingés de Prelates, Dukes, Counts, &c. donq un Actiō De Scandalis Magnatum. si sera vers luy per le Statute de 2. R. 2. cap. 5. & ceo esteant pve, le partie offendant serra grievousment punie. Mes p parols de Defamation vers un private home, la le partie grieve avera son Actiō sur le Case pur le Slander, & recouvrera en damages accordant al qualite de la pechie; en que le qualite de la person que est ainsi defamé est desre fore considre.

Mes pur Defamations determinable en le Court Christian, ils coviēt de aver trois incidents: Premier, coviēt concern matre meerrmt Spiritual & determinable en le Ecclesiastical Court; come pappelluy Heretiq, Schismatig, Advouterer, Fornicator, &c. Secundermt, q il concern matre meerrmt Spiritual solement: car si tiel Defamatio concern ascun chose determinable al Common Ley, le Ecclesiastical Judge navera conusans de c': Come si un Divin est desre sent a un Be-

laud: for which the party shall be punished according to the nature and quality of his offence; sometimes by Actiō upon the Case for Slander, at the Common Law, and other times in the Ecclesiastical Court. As if a man contrive any false news, or horrible and false Lies of Prelates, Dukes, Earls, &c. then an Actiō De Scandalis Magnatum will lie against him by the Statute of 2. R. 2. cap. 5. and this being proved, the party offending shall be grievously punished. But for words of Defamation against a private man, there the party grieved shall have his Actiō upon the Case for the Slander, and shall recover in damages according to the quality of the fault; wherein the quality of the person who is defamed is much to be considered.

But for Defamations determinable in the Spiritual Court, they ought to have three incidents: First, it ought to concern matter merely Spiritual, and determinable in the Ecclesiastical Court; as for calling him Heretick, Schismatic, Adulterer, Fornicator, &c. Secondly, that it concern matter merely Spiritual onely: for if such Defamation concern any thing determinable at the Common Law, the Ecclesiastical Judge shall not have cognisance thereof: As if a Divine is to be presented to a Benefice.

nesce, and one (to defeat him thereof) saith to the Patron, that he is an Heretick, or a Bard, or that he is Excommunicated, whereby the Patron refuses to present him, and he loses his Preferment; he shall have an Action upon the Case for these Defamations, tending to such an end. Also if a woman be bound that she shall live continent, or if a Lease be made to her so long as she shall live chaste; in these cases Incontinency shall be tried by the Common Law. Thirdly, although such Defamation be merely and onely Spiritual, yet he that is defamed cannot sue therefor damages or Damages, but the Suit ought to be onely for punishment of the fault, for the Soul's health of him that so offends.

And as for the Slander of a Title to land, if A saith that B hath right in the Lands of C, whereby C is damaged, then he may have an Action upon the Case for the Defamation of his Title against A. And although B hath a colourable Title, yet A shall be punished, forasmuch as he hath taken upon him knowledge of the Law, and meddled in a matter which concerned him not. But if a man saith, that he himself hath right to the Land of another; in this case no Action for Defamation lies, although he knows his Title to be false. *Cok. l. 4. f. 18.*

nesce, & un (a defeater luy de ceo) dit al Patron, que il est un Heretique, ou un Bard, ou q il est Excommunié, per q le Patron refuse a presenter luy, & il perde son Preferment; il avera Action sur le Case pur ceux Defamations, tendant a tiel fin. Auxy si feme soit obligée que il vivra continer, ou si Lease soit fait a luy *quandiu caste vixerit*; en ceux cases Incontinencie sera troyé p le Common Ley. Tiercement, come q tiel Defamation soit meement & solement Spiritual, uncore cestuy que est defame ne poit suer la pur amends ou Damages, mes le Suit convient estre solement pur punishment del pechie *pro salute Animæ* cestuy que ainsi offend.

Et quant al Slander d'un Title al terre, si A dit q B ad droit en les Terres de C, per q C est damniee, donque il poit aver Action sur le Case, p le Defamation de son Title, vers A. Et nient obstant q B ad un colourable Title, uncore A sera punie, entant q il ad imprise sur luy notice del Ley, & intromit en un matz que ne luy pas cœrna. Mes si home dit, que il mesm ad droit al Terre de un autre; en cest case nul Action p Defamation gist, nient obstant que il conust que son Title est faux. *Cok. lib. 4. fol. 18.*

Defiance.

Defeifance.

Defeifance est un Condition q relate a un Fait, come a un Obligation, Recognifance, ou Statute, q esteant pforme p le Obligor ou Recognifor, le Act est disable & fait void, ficoe sil ne unques pas ad este fait. Et la est nul Garrantie, Recognifance, Rent-charge, Annuity, Covenant, Lease p ans, use al Common Ley, ou tiels semblables, mes q ils poyent p u Defeifance, fait ove, le mutual consent de routs ceux q fuerot pties a le creation de eux, p Fait estre adnul, discharge, & defeat. Et le difference pent u Proviso ou Condition en Fait & u Defeifance est en c', Que le Proviso ou Condition est annexe ou enserf e le Fait ou Grant, ou u Defeifance est ufualment un Fait p luy m conclude & agreee pent les pties, & ayant relation a un autre Fait.

Et pur ceo si le Condition de un Obligation soit repugnant al Fait, le Condition est void, & l'Obligation bon: Com si le Condition soit, que il ne suera Obligation, c' est void, auxy bien come est dun Feoffment, sur Condition que le Feoffee ne prendra my les Profits. Mes un Defeifance est un Grant q est fait apres le Obligation, pur defeat m le Obligation;

Defeifance.

Defeifance is a Condition relating to a Deed, as an Obligation, Recognifance, or Statute, which being performed by the Obligor or Recognifor, the Act is disabled and made void, as if it had never been done. And there is no Warrantie, Recognifance, Rent-charge, Annuity, Covenant, Lease for years, or such like, but that they may by a Defeifance, made with the mutual consent of all those who were parties to the creation thereof, by Deed be adnulled, discharged, and defeated. And the difference between a Proviso or Condition in Deed and a Defeifance, is in this, That the Proviso or Condition is annexed or inserted in the Deed or Grant; whereas a Defeifance is usually a Deed by it self concluded and agreed on between the parties and having relation to another Deed.

And therefore if the Condition of an Obligation be repugnant to the Deed, the Condition is void, and the Obligation good: As if the Condition be, that he shall not sue the Obligation, this is void, as well as it is of a Feoffment, upon Condition that the Feoffee shall not take the Profits. But a Defeifance is a Grant that is made after the Obligation, to defeat the same Obligation;

and

and this is good though it be repugnant, and so not like a Condition. 21 H. 7. fol. 24. b. For the form and manner of Defeasances according to the diversity of the Case, see West part. 1. Symb. lib. 2. sect. 230, 231, &c.

& c' est bon, comt q' il soit repugnant, & issint nient sensible a un Cōdition. 21 H. 7. f. 24. b. Pur le forme & manier de Defeasances accordant al diversitie del Case, veies West part. 1. Sym. lib. 2. sect. 230, 231, &c.

Defence.

Defence is that which the Defendant ought to make immediately after the Count or Declaration made, that is, that he defends all the Wrong, force and Dammage, where and when he ought; and then to proceed farther to his Plea, or to imparle.

And note, that by defending the force and Wrong, he doth excuse himself of the Wrong against him surmised, and makes himself party to the Plea; and by defending the Dammage, he affirms the Plaintiff able to be answered unto.

And for the residue of the Defence, he accepts the power of the Court to hear and determine their Pleas of this matter. For if he will plead to the Jurisdiction, he ought to omit in his Defence these words, (ou & quant il devera:) and if he will shew any disability in the Plaintiff, and demand Judgement if the party shall be answered unto; then he ought to omit the Defence of the Dammage.

Defence.

Defence est ceo que le Defendat doit faire immédiatement apres le Count ou Declaratiō fait, cest adire, que il defendra tout le Tort, Force & Dammage, lou & quant il devera; & donques de proceed ouster a son Plee, ou de imparler.

Et nota, que entant que il defend Tort & Force, il se excuse del Tort vers luy surmise, & fait se partie al Plee; & p' tant que il defend les Dammages, il affirme le Plaintife able destre respondue.

Et pur le residue del Defence, il accept le power del Court de oyer & determiner les Plees de cel matter. Car sil voile pleader al Jurisdiction, il doit omitter en son Defence les parols, (ou & quant il devera:) & sil voil' monstre asc' disability en le Plaintife, & demande Jugement si le partie serra respondue; donques il doit omitter le Defence del Dammage.

Defendant.

Defendant.

Defendant est celuy q est sue ē Actiō psonel, q est appel Tenant en ū Actiō real.

Defendemus.

Defendemus est un usual parol en un Feoffement ou Donatiō, & ad cest force, q il lia le Donor & ses Heirs a defender le Donee, si ascun hōe endeavor de imposer a/c^o Servitude sur le chose done, auter que est contein en le Donation. *Bract. lib. 2. cap. 16. num. 10.* Veies auxy Warrentizabimus.

Defensor Fidei.

Defendeur de la Foy est un peculiar Title don a Roy d' Angleterre p le Pape, come Catholien. a Roy d'Espagne, & Christianissimus a Roy d' France. Il fuit primermet don p Leo x. a Roy H. 8. p̄escrivā vers *Mart. Luther*, en part del Esglise de Rome. *Stow's Annals, p. 863.*

Deforsour.

Deforsour est celuy que prevaile & ject hors ove Force; q differt d' un Disseisor, primerment en c^o, q home poit disseise un aul sans Force, quel act est appel Simple Disseisin, *Brit. cap. 33.*

Defendant.

Defendant is he that is sued in Action personal, who is called Tenant in an Action real.

Defendemus.

Defendemus is an ordinary word in a feoffment or Donation, and hath this force, that it binds the Donor and his Heirs to defend the Donee, if any man go about to lay any Servitude upon the thing given, other then is contained in the Donation. *Bracton, lib. 2. cap. 16. num. 10.* See also Warrentizabimus.

Defender of the Faith.

Defender of the Faith is a peculiar Title given to the King of England by the Pope, as Catholicus to the King of Spain, and Christianissimus to the French King. It was first given by Leo x. to H. 8. for writing against Martin Luther, in behalf of the Church of Rome. *Stow's Annals, p. 863.*

Deforceor.

Deforceor is he that overcomes and casts out with Force; who differs from a Disseisor, first in this, that a man may disseise another without Force, which act is called Simple Disseisin, *Britton, cap. 33.*
Then

That because a man may de-
force another that never was
in possession; as if many have
right to Lands as common
Heirs, and one haps them out,
the Heir saith, that he deforces
them, though he never disseised
them. Old Nat. Br. fol. 18. If
Tenant in tail makes a Feoff-
ment in fee by which the Feoffee
is in, and afterward the Te-
nant in tail dies, and his issue
has a Writ of Formedon against
the Feoffee; the Writ shall say,
and also the Count, &c. that
the Feoffee wrongfully deforced
him, &c. though he did not dis-
seise him, because he entred in
the life of the Tenant in tail,
and the Heir had no present
right. Lit. fol. 138. And a De-
forceor differs from an Intru-
dor, because a Deforceor keeps
out the right Heir, as afore-
said; and a man is made an
Intrudor by a wrongfull En-
try onely in Lands or Tene-
ments void of a Possessor. Br.
lib. 4. cap. 1.

And because Force and For-
cible entry into Lands is so op-
posite to the Peace and Justice
of the Realm, and a dis-
honour of the King and his
Crown, and discredit of the
Law, that any person by birth
and oath obliged to the obedi-
ence of the King and his Laws,
should presume of his own au-
thority by Force and strong
hands to resist them both, by vi-
olent Intrusion into the Pos-
session of another before the

Donque p'e^r que home poit
deforce un aurer q' ne unques
fuit en possession; come si
plusors ont droit al Terres
come common Heires, & un
rien eux hors, le Ley dit, que
il eux deforcee, nient obstant
que il ne eux disseisa pas. *Veil*
N. B. fol. 118. Si Tenant en
taile fait Feoffement en fee,
p' q' le Feoffee est eins, &
puis le Tenant en taile mor-
tist, & son issue fust B're de
Formedon envers le Feoffee;
le B're dir' & auxy le Cou't,
&c. q' l' Feoffee a tort luy
deforce, &c. com' q' il ne luy
disseisa, pur c' que il en'e
le vie le Tenant en taile, & le
Heire ad nul present droit.
Littleton f. 138. Et un De-
forfor differt de un Intrudor,
p' ceo que un Deforfor tient
hors le droit Heire, come
avantdit; & home est fait
un Intrudor p' son tortious
Entree solement en Terres ou
Tenements voide de un Pos-
sessor. *Bract. lib. 4. cap. 1.*

Et p'ur ceo que Force &
Forcible entree en Terres est
cy opposite al Peace & Ju-
stice del Royalm, & u' disho-
nour del Roy & son Corone,
& le scandal de le Ley, que
aucun person per nestre &
serement oblige al obedi-
ence del Roy & ses Leyes,
presumera de son autoritie
per Force & fort main de re-
sister eux ambideux, per vi-
olent Intrusion en le Pos-
session d' un aurer devant le
Ley

Ley ad decid son Title en ceo ; p ceo divers Statutes on este faits p le restraint & reformation de ceux Abuses ; come, enf auters, le Stat. de 5 R. 2. cap. 7. ou le Roy defend asc' Entrie en Terres ou Tenements ; mes en case ou Entrie est done p le Ley, & donq nemy ove tort main, ou ove multitude de gents, mes solemt en un peaceable manner. Veies plus de ceo in Poulton de pace Regis, fol. 34, 35, &c.

Law hath decided his Title thertin ; therefore divers Statutes have been made for the restraint and reformation of these Abuses ; as among others, the Stat. of 5 R. 2 ca. 7. where the King defends any Entry into Lands or Tenements ; but in case where Entry is given by the Law, and then not with strong hand, or with a multitude of people, but onely in a peaceable manner. See more of this in Poult. de pace Regis, fol. 34, 35, &c.

Degrading.

Degrading. Veies Disgrading.

Degrading.

Degrading. See Disgrading.

Demaines.

Demaines ou Demesnes, genalmt a parler, sont routs les parts de asc' Man q ne sont en mains del Freeholders, comt soyent occupie p Teint p Copie d Court Rol, Lesses p ans ou p vie, cybien com Teints a volur. Et le reason q Copihold est accout Demesns est, p ceo q ils q sont Teints a ceo sont adjudge en Ley daver nul autre Estat fors q al volur del Shr, issint q il est jams reputeste e un maner e les mains le Shr : uncore en comin place il est usualmt appel' Demesnes q nest ou free ou copie. Et cest parol Demesne est asc' foits use e un plus spe-

Demaines.

Demaines or Demesnes, generally speaking, are all the parts of any Mannor which are not in the hands of freeholders, though they be held by Copyholders, Lesses for years or for life, as well as Tenants at will. And the reason why Copyhold is accounted Demesnes is, because they who are Tenants to it are adjudged in Law to have no other Estate but at the will of the Lord : so that it is still reputed to be in a manner in the Lord's hands : yet in common speech that is ordinarily called Demesnes which is neither free nor copy. And this word Demesne is sometimes used in a more special

cial signification, and is opposite to Frank-fee; as those Lands which were in the possession of Edward the Confessor are called Ancient demesne, and all others are called Frank-fee, Kitch. fol. 98. and the Tenants which hold any of those Lands are called Tenants in Ancient demesne, the other Tenants in Frank-fee. And no common person hath any Demesnes in the simple acceptation of the word, because there is no Land but depends mediately or immediately of the Crown; that is, of some Honor or other belonging to the Crown, and not granted in fee to any inferior person; and therefore when a man in pleading will signify his Land to be his own, he saith, That he is or was seised thereof in his Demesne as of fee, Littleton fol. 3. whereby it appears, that though his Land be to him and his Heirs forever, yet it is not true Demesne, but depending upon a superior Lord, and holding by Service, or Rent in lieu of Service, or by Service and Rent together.

Demaines, according to the common speech, are onely understood the Lord's chief Manor-place, which he and his Ancestors have time out of mind kept in their own hands, with all buildings and houses, meadows, pastures, woods, arable lands, and such like therewith occupied.

cial signification, & est opposite al Frank-fee; sicome ceux Terres qux fueront en l'possession de Ed. le Cōfessor sont appel *Ancient demesne*, & tous autres sont appel *Frank-fee*, *Kitch. fo. 98.* & les Tenants q tient asc' d' ceux Terres sont appel *Tenants en Ancient demesne*, les autres Tenants en *Frank-fee*. Et nul comon pson ad asc' Demesnes en le simple prisance del pol, p c' q la nest asc' Terre mes depend mediatemnt ou immediatemnt del Corōn, c' est, de asc' Honor ou autre appriet al Corōn, & nemy grant en fee al asc' inferior pson; & p c' quant un hōe en pledat voile enferre son Terre destre son Demesne, il dit, Que il est ou fuit seise de ceo ē son Demesne cōe de Fee, *Littleton fol 3.* p que appiert, q nient obstat son Terre soit a luy & ses Heires a tous jours, uncore il nest voyer Demesne, mes dependant sur un Seignior paramount, & tiendrant p Service, ou Rent en lieu de Service, ou p Service & Rēt ensemble.

Demaines, solong le comon plançe, sont solemt entēd le principal Manor-placē del Seignior, q il & ses Ancestors ont ewe d' tēps hors de memorie en lour mains demesne, ove tous edifices & meāōs, prees, pastures, boys, terres eyrable, & tiels semblables ove ceo occupie.

R

Demand.

Demand.

D*emand* est vocabulum Artis, & si un releas a ũ auter tous Demands, ceo est (sicome *Littl. fol. 117. a.* dir) le plus melior Release a luy a q̄ le Release est fait que il poit avera, & plus enurera a son advantage; car p c' non soleint tous Demands, mes aux tous causes d' Demands sōt release. Et sōt deux manēs d' Demands, cestascavoir, en Fait, & en Ley. *En Fait*, cōe en chesc' *Præcipe* la est expresse Demand; & p c' ē real Actions il est appell Demandant, en psonal Plaintife. *En Ley*, come chesc' Entrie en Terre, Distresse p Rent, Prisel ou seisure des biens, & semblable acts ē Pays, q̄ poient estf fait sans asc' pōls ou demāds ē Ley. Sicōe Release de Suits est plus large q̄ Release des Querels ou de Actions; issint Release des Demands est plus large & beneficial q̄ asc' de eux, car p c' est release tout c' q̄ p les autres est release, & plus. Per Release de tous Demands, tous Frankienements & Enheritances executorie sont release: Per Release de tous Demands al Disseisor, le droit de Entrie en le terre, & tout q̄ est contene deins c', est release: Per Release de tous Demands, tous Executions sont release: &

Demand.

D*emand* is a word of art, and if one release to another all Demands, this is (as *Littleton, fol. 117. a.* saith) the best Release to him to whom the Release is made that he can have, and shall most enure to his advantage; for by it not onely all Demands, but also all causes of Demands are released. And there are two manner of Demands, that is, in Deed, and in Law. In Deed, as in every *Præcipe* there is expresse Demand; and therefore in real Actions he is called Demandant, in personal Plaintif. In Law, as every Entry in Land, Distresse for Rent, Taking or seisure of goods, and such like acts in the Countrey, which may be done without any words or demands in Law. As a Release of Suits is more large then a Release of Quarrels or of Actions; so a Release of Demands is more large and beneficial then either of them, for by it is released all that which by the others is released, and more. By Release of all Demands, all Freeholds and Inheritances executory are released: By Release of all Demands to the Disseisor, the right of the Entry in the land, and all that is contained therein, is released: By Release of all Demands, all Executions are released: and he

he that releases all Demands, excludes himself from all Actions, Entries, and Seisures.

Littleton, fol. 170. holds, That if Tenant in tail enfeoffs his Uncle, who enfeoffs another in fee with Warrantie; if after the Feoffee by his Dæd releases to his Uncle all manner of Demands, by such Release the Warrantie, which is a Covenant real and executorie, is extinct: and the reason is, because that by Release of Demands all the means and remedies, and their causes, which appertain to lands, tenements, goods, chattels, &c. are extinct, and, by consequence, the right and interest it self unto the thing. Yet a Release of all Demands doth not extend to such Writs by which nothing is demanded, neither in Dæd nor in Law, but lie only to relieve the Plaintiff by way of Discharge, and not by way of Demand; as a Release of all Demands is no Bar in a Writ of Error to reverse an Outlawry, and so of such like. *28 Edw. 3. 59. Coke lib. 8. fol. 153, 154.*

Demandant.

Demandant is he that sues or complains in an Action real for Title of land; and he is called Plaintiff in an Assise, and in an Action personal, for Debt, Trespass, Deceit, Detinue, and such like.

cestuy que release tous Demands, exclut luy m de toutes Actions, Entries, & Seisures.

Littleton, f. 170. teign, Que si Tenant en taile enfeoffe son Uncle, l' qd enfeoffe un aut e fee ove Warrantie; si apres le Feoffee per son Fait releffa a son Uncle tous manrs d Demands, p tiel Release le Warrantie, que est Covenant real & executorie, est extinct: & le reason est, p ceo que p Release des Demands tous les means & remedies, & les causes de eux, que ascun ad al tres, tenemts, biens, chattels, &c. sont extinct, &, p consequence, le droit & interest m al chose. Uncore Releas d tous Demands ne extend a tiels Brs p queux riens est demand, neque en Fait neque en Ley, mes gisent seulement a relievier le Plaintiff per voy de Discharge, & nemy per voy d Demand; come Releas d tout Demands nest Bar en Bñe de Error de reverser un Outlawry, & issint des semblables. *Veies 18 Ed. 3. 59. Coke lib. 8. fol. 153, 154.*

Demaundant.

Demaundant est celuy q sue ou cõplain e Action real p Title de terre; & il est appel Plaintiff e un Assise, & e un Action psonel, p Debt, Tris, Disceit, Detinue, & tiels semblables.

Demurrer.

DEmurrer est, quant asc' Action est port, & le Defendant plead un Plee, a q le Plaintiff dit q ne voile respond', p ceo q il nest sufficient Plee en Ley; & le Defendant aver le contrarie, que el est sufficient Plee; & sur ceo ambideux mitteront l' Cause al Judgmt del Court: q est appel un Demurrer, pur ceo que ils ne vaont ouster en pleading, mes demurrer sur Judgement de cel point; & dicitur en Latine Records, *Moratur in Lege*.

Car en chesc' Action le difference consist ou en Fait, ou en Ley. Si en Fait, il est trie per le Pais; si en Ley, donq le matter est ou facile, ou dure & rare: si il soit facile, donq Judgement est immediatement done; mes qnt il est dure & en awrust, donque la est Demurrer fait, & temps prise ou de cōsider ouster sur c' p les Judges, d'agreer si ils poyent, ou autrement p tous les Justic' d' vner ensemble É le Exchequer-Chamber, & sur oyer de ceo que les Sergeants dieront de ambideux parts, d' adviser & determiner que est Ley; & ceo que est la conclude per eux estoyer a firme, sans auter remedie.

Demurrer.

DEmurrer is when any Action is brought, and the Defendant pleads a Plea, to which the Plaintiff says that he will not answer, for that it is not a sufficient Plea in the Law; and the Defendant avers the contrary, that it is a sufficient Plea; and thereupon both parties submit the Cause to the Judgement of the Court: which is called a Demurrer, for that they goe not forward in pleading, but rest upon Judgement in that point; and is called in Latine Records, *Moratur in Lege*.

For in every Action the difference consists either in Deed, or in Law. If in Fact, it is tried by the Jury; if in Law, then the matter is either plain, or difficult and rare: if it be plain, then Judgement is presently given; but when it is hard and doubtfull, then is stay made, and time taken either to consider farther thereupon by the Judges, to agree if they can, or otherwise for all the Justices to meet together in the Exchequer-Chamber, and, upon hearing of that which the Sergeants shall say unto both parts, to advise and determine what is Law; and that which is there concluded on by them shall stand firm, without farther remedy.

Half blood.

Half blood is, when a man marries a wife, and hath issue by her a son or daughter, and the wife dies, and then he takes another woman, and hath by her also a son or daughter: Now these two sons are called half-Brothers, or as they are termed, Half-brothers, or Brothers of the half blood, that is, Brothers by the father's side, because they had both one father, and are both of his blood, and not Brothers at all by the Mother's side, nor of blood nor kin that way; and therefore the one of them cannot be Heir to the other: for he that will claim as Heir to one by descent, must be of the whole blood to him from whom he claims. In the same manner it is, if a woman have divers issues by divers husbands, who are called Brothers by one Mother.

Denariata terræ.

Denariata terræ. *De Fardingdeal.*

Denelage.

Denelage is the Law that the Danes made here in England, out of which and Merchenlage and Westsaxonlage William the Conquerour com-

Demy sanke, ou sangne.

Demy sanke est, quant un home marie un feme, & ad issue per luy un firz ou file, & le feme morust, & donqs il prist un aut feme, & ad per luy auxy un firz ou file: Ore ceux firz sont solonque un mañer Freres, ou, come ils sont appellees, Demy-freres, ou Freres del demy sanke, cest adire, Freres per le part de Pere, pur ceo que ils ont ambideux un pere, & sont ambideux de son sangne, & nemy Freres p le part le Mere, ne de ascun sanke ou kinne cest voy; & pur ceo l' un de eux ne poit este Heire al aurer: car il que voile claime come Heire al un per discent, doit estre de Entire sanke a luy de que il claime. En mesme le manner est, si feme eyte divers issues p divers barons, qui *Fratres uterini dicuntur*.

Denariata terra.

Denariata terra. Veies *Fardingdeal.*

Denelage.

Denelage est le Ley que les Danes fesoient icy en Angleterre, hors de q & *Merchenlage & Westsaxonlage* *Guelme le Conqueror* com-

pose certaine Ordinances de-
stre observe p ses subjects.

posed certain Ordinances to be
observed by his subjects.

Denizen.

Denizen.

D*Enizen*, ou *Donaifon*, est,
lou Alien nee devient le
Subject le Roy, & obtain les
Letters Patents le Roy pur
injoy tous Priviledges come
un home *Anglois*; mes si
un soit fait *Denizen*, il
payer Customs & divers
autres choses come Alien,
come appiert per divers Sta-
tures de ceo fait.

Il semble que *Donaifon* est
le voyer nomme, issint appel,
pur c' que son Legitimation
est *done* a luy, & nemy *Deni-
zen*, come derive de *Deins*
nee. Et le Ley est cy precise
en le feafans de *Donaifons*, que
le Roy ne poit grant al ascun
auter a faire de Aliens nee
Donaifons, il est p la Ley cy
inseparablement & individu-
alint afixe a so Royal Perso;
car le Ley esteem c' un hault
Prerogative, a faire Aliens
subjects del Royaume, &
capable de Tres & Inheri-
tances, come natural Subjects
nee sont.

Et p ceo le Stat. de 27 H.
8. c. 24. q reunire plusors del
pluis ancient Prerogatives &
Regal Flowers del Coron,
ne pas mention ascun autho-
rity de faire Letters de Do-
naifon destr resume, pur
c' q asc' ne unq ceo claim pas
p asc' fteux quecurque, il

D*Enizen*, or *Donaifon*, is,
where an Alien born be-
comes the King's Subject, and
obtains the King's Letters
Patents to enjoy all Privileges
as an English-man: but if one
be made Denizen, he shall pay
Customs and divers other
things as Alien, as it appears
by divers Statutes thereof
made.

It seems that *Donaifon* is the
true name, so called, because
that his Legitimation is given
to him, and not Denizen, as
derived from *Deins* nee. And
the Law is so precise in the
making of Denizens, that the
King cannot grant power to
any other to make Aliens born
Denizens, it is by the Law so
inseparably and individually
annexed to his Royal person;
for the Law esteems it an high
Prerogative, to make Aliens
Subjects of the Realm, and
capable of Lands and Inheri-
tances, as natural born Sub-
jects are.

And therefore the Statute of
27 H.8. c. 24. which reunites ma-
ny of the most ancient Preroga-
tives and Regal Flowers of the
Crown, makes no mention of
any authority to make Letters
of Denization to be resumed,
for that never any claimed it
by any pretext whatsover, it
bring

being so high a point of *Prerogative*. See *Cok. l. 7. Calvin's Case.*

esteaf cy hault point d' *Prerogative*. Veies *Co. lib. 7. Calvin's Case.*

Deodand.

Deodand is, when any man by misfortune is slain by a Horse, Cart, or any other thing that moves to further his death; such thing which at the time of his misfortune did move or cause his death shall be forfeit to the King, and that is called Deodand; and that pertains to the King's Almoner, for to dispose in Alms and deeds of charity.

But it is not forfeited untill the matter be found of Record, and therefore they cannot be claimed by Prescription: and the Jury that finds or presents the death by such misadventure, ought also to finde and appraise the Deodand. *Co. l. 5. f. 110.*

If a Horse strikes one, and afterwards the Owner sells the Horse, and then the party that was stricken dies of the stroke; in this case the Horse shall be forfeited as a Deodand, notwithstanding the sale; for relation shall be had to the stroke which was before the sale. *Plow. Com. fol. 260. b.* (dead,

What move to death, or kill the
Are Deodand and forfeited.

Deodand.

Deodand est, quant ascun home p misfortune est occid p un Chival, Charret, ou autre chose moveant ou aydant son mort; cel chose que est le cause de son mort, & que al temps de la misfortune mova, serra forfeit al Roy, & ceo est appel Deodand; & ceo perteine al Almon le Roy, pur disposer en Almes & over de charitie.

Mes il n'est forfeit tanque le chose soit trove d' Record, & pur ceo il ne poyent este claime p Prescription: & le Jurie que trove ou present le mort per tiel misadventure, doivent aux trover & apprise le Deodand. *Co. l. 5. f. 110.*

Si un Chival percut un home, & puis le Owner vend le Chival, & donq le partie q fuit pculse morust del stroke; en ceo case le Chival serra forfeit come Deodand, nient obstant le vendition; car relation serra al stroke que fuit paravant le vendition. *Plow. Com. fo. 260. b.*

Omnia que movent ad mortem sunt Deodanda.

*Departure de son Plee
ou matter.*

D*eparture de son Plee ou matter* est, lou ũ hōe plede un Plee en barf, & l' Plain- tife reply a c', & il apres en son Rejoynder plede ou mon- stre auſ matf, contrarie, ou nient purſuant a son primer Plee en barf; c' est appel un *Departure* de son Barre. Com si home plead ũ geſial Agree- mēt en barf, & en le Rejoyn- der il alledge un eſpecial A- greement; ceo serra adjudge un *Departure* en Pleading. Iſſint en Trespaſſe, si le De- fendant voil' pleader diſcent la luy, & le Plaintiff dit, q̄ puis ceo le Defendant infeoffe luy, & le Defendant dit, que ceo Feoffement fuit ſur Con- dition, pur le enfreind' de que il enter; ceo est *Departure* del Barre, car est novel chose. Veies *Plow. Com. fol. 7. & 8.*

*Departure en spite
del Court.*

D*eparture en spite del Court* est, quant le Te- nant ou Defendant appeare al Action, & ad jour ouſter en meſme le Terme, ou est demand apres, coment nul jour soit en meſme le Terme, ſil ne appeaſ, mes fait De- fault, cest un *Departure en spite de Court*, & par

*Departure from a Plea
or matter.*

D*eparture from a Plea or matter* is, where a man pleads a Plea in bar, and the Plaintiff replies thereto, and he after in his Rejoynder pleads oꝝ shews another matter, contrary, oꝝ not purſuing to his first Plea; that is called a *Departure* from his Bar. As if a man pleads a general Agreement in bar, and in the Rejoynder he al- ledges an eſpecial Agreement; this shall be adjudged a *Departure* in Pleading. So in Tres- paſs, if the Defendant will plead a diſcent to him, and the Plaintiff ſaith, that after this the Defendant infeoffed him, and the Defendant ſaith, that this feoffment was upon Con- dition, foꝝ the breach whereof he entered; this is a *Departure* from the Bar, foꝝ it is a new matter. See *Plow. Com. f. 7. & 8.*

*Departure in despite of
the Court.*

D*eparture in despite of the Court* is, when the Tenant oꝝ Defendant appears to an Action, and hath a day ober in the ſame Term, oꝝ is called af- ter, though he had no day gi- ven him, so that it be in the ſame Term, if he do not appear, but make Default, it is a *Departure* in despite of the Court, and there- fore

foze he shall be condemned.

And it is to be observed, that Departure in despight of the Court is always of the part of the Tenant or Defendant, and the Entry thereof is, *Quod prædictus A, licet solenniter exactus, non revenit, sed in contemptum Curie recessit, & Defaltam fecit*: and this is when in judgement of the Law he is present in Court, and being demanded, departs in despight of the Court; this amounts to a Bar in respect of the Despight and Contempt of the Court. See Cok. lib. 8, fol. 62.

ceo il serra condemne.

Et est destre observe, que Departure en despight del Court est tous foits del part del Tenant ou Defendant, & l'Entry de ceo est, *Quod prædictus A, licet solenniter exactus, non revenit, sed in contemptum Curie recessit, & Defaltam fecit*: & ceo est quant en jugement del Ley il est present en Court, & esteant demand, depart en despight del Court; ceo amount a un Barre en respect del Despight & Contempt al Court. Veies Cok. l. 8. fol. 62.

Deprivation.

Deprivation is, when an Abbot, Bishop, Parson, Vicar, Prebend, &c. is deprived or deposed from his Prebend or any matter in fact or in Law. As if a Miscreant or Schismatick be presented, admitted, and inducted, there is good cause of Deprivation: So if a mærlay-man be presented, admitted, instituted, and inducted, yet he shall be deprived: or if the Incumbent hath Plurality of Benefices; or subscribe not to the Articles of Religion, according to the Statute of 13 Eliz. cap. 12.

By the Statute of 21 H. 8. cap. 13. it is enacted, That if any person, having a Benefice with Cure of souls of the yearly value of eight pounds or more,

Deprivation.

Deprivation est, quant un Abbe, Eveſque, Parson, Vicar, Prebend, &c. est deprive ou depose de son Prebend ou de son chose en fait ou en Ley. Come si un Miscreant ou Schismaticque soit present, admit, & induct, la est bone cause de Deprivation: Ilint si mærlus Laicus soit present, admit, institute, & induct, uncore il serra deprive: ou si l'Incumbent ad Pluralite des Benefices; ou ne subscribe a les Articles de Religion, solonque le Statute de 13 Eliz. cap. 12.

Per le Statute de 21 H. 8. cap. 13. est enact, Que si asc' person, ayant un Benefice ove Cura animarum del annuel value d huit livers ou ouster, ac-

accepta ou pndra aucun aut
ove Cure des ames, & soit
institute & induct en le pos-
session de ceo ; le prim Ben-
efice serra void, & le Incum-
bent en c' case est ouste ou
deprive p Cession. En ql
case ne besoigne al Evesque a
doner notice al Patron, p ceo
que le Deprivation est p Act
d'Parliament, a que chescun est
partic, & doit prender notice
a son peril. Mes autermt est si
le primer Esglise ne soit de
annuel value de huit livrs,
car donq ceo est voide mere-
ment p l' Ecclesiasticall Ley.
Veies Coke, lib. 4. fol. 76. &
lib. 7. 43. b.

accepts or takes any other with
Cure of souls, and be instituted
and inducted into the possession
thereof ; the first Benefice shall
be void, and the Incumbent
in this case is outed or de-
prived by Cession. In which
case the Bishop needs not give
notice to the Patron, because
the Deprivation is by Act of
Parliament, to which every
one is party, and ought to take
notice at his peril. But other-
wise it is if the first Church be
not of the yearly value of eight
pounds, for then it is void
merely by the Ecclesiastical
Law. See Coke, lib. 4. fol. 76.
and lib. 7. 43. b.

Deputie.

Deputie est celuy que ex-
ercise en aut droit, soit
ceo Office ou asc' aut chose ;
& son forfeiture ou misde-
meanour cause l' Officer, ou
celuy ql Deputie il est, de p-
der son Office. Mes ū ne poit
faire son Deputie en tous
cases, nisi le Graunt soit is-
sint : sicome sil soit ove ceux
ou tiels seblables parolx, *Ex-
ercendo per se, vel sufficientem
Deputatum suum* ; ou si les
parolx va ouster, *Per se, vel
Deputatum suum, aut Deputati*
Deputati, donqs il poit faire
un Deputie, & son Deputie
auxy poit faire ū Deputie, aut-
mt nemy. Cōe si l' Office de
Parkership soit grant a un,
ŷ ne poit grant ceo ouster a

Deputie.

Deputie is he that exercises
in another man's right
either Office or any other
thing ; and his forfeiture or
misdemeanor shall cause the
Officer, or him whose Deputy
he is, to lose his Office. But
a man cannot make his Depu-
ty in all cases, except the Grant
so be : as if it be with these
or such like words, To exercise
or use by himself or his sufficient
Deputy ; or if the words goe
farther, To himself or his
Deputy, or the Deputy of his
Deputy, then he may make a
Deputy, and his Deputy al-
so may make a Deputy, or else
not. As if the Office of a
Parkership be granted to one,
he cannot grant this over to
another.

another, because it is an Office of trust and confidence, and shall not be forfeited. And there is great diversity between Deputy and Assignee of an Office: for an Assignee is a person that hath an Estate or interest in the Office it self, and doth all things in his own name, for whom his Grantor shall not answer, unless it be in especial cases; and a Deputy hath not any Estate or interest in the Office, but is onely the shadow of the Officer, and doth all things in the name of the Officer himself, and nothing in his own name, and for which his Grantor shall answer: and where an Officer hath power to make Assigns, he may implicitly make Deputies, for, He that may doe more, it ought not to be held unlawful for him to doe lesse; and therefore when an Office is granted to one and to his heirs, by this he may make Assigns, and by consequence he may make Deputies.

The King by his Letters Patents commits to the Sheriff the Custody of the County, without expresse words of making Deputy; and yet he may make an Under-sheriff, viz. his Deputy. So where before the Statute of *Quia emptores terrarum*, the King or other Lord had given Lands to a Knight, to hold of him by Knight's Service, that is, to go with his Lord (when the King makes a Voyage Royal to subdue his

un autre, pur ceo q est Office de trust & confidence, & ne serra forfeit. Et la est grand diversité inter Deputy & Assignee d' un Office: car un Assignee est person q ad Estate ou interest en l'Office mesme, & fait tous choses en son nosme demesne, p que son Grantor ne respondera, si non que soit en especial cases; & un Deputy nad aucun Estate ou interest en l' Office, mes est forsque l'ombre del Officer, & fait tous choses en le nosme del Officer mesme, & rien en son nosme demesne, & pur que son Grantor respondera: & quant un Officer ad power a faire Assignes, il poit implicitement faire Deputies, car, *Cui licet quod majus est, non debet quod minus est non licere*; & pur ceo quant Office est grant a un & a ses heires, per ceo il poit faire Assignes, & p consequence il poit faire Deputies.

Le Roy p ses Letters Patents comit al Vise' *Custodiam Comitatus*, sans expresse parols de faire Deputy; & uncore il poit faire un South-vise', cest a s'avoire, son Deputy. Issint quant devant le Statute de *Quia emptores terrarum*, le Roy ou aut Sñr ad done Terres a un Chivaler, a teñ de luy p Service de Chivaler, cest adire, d'aler ove son Seignr (quant le Roy fait Voyage Royal a subduer ses

enc-

enemies) pur 40 jours, bien & convenablement array pur le Guerre; or il poit trover autre able pson: uncor e l'un case il concerna le publicq Administration & execution del Justice e temps de Peace; & e l'aut le publicq Defence del Royallme e temps de Guerre. Veies Coke, l. 9. Le Countee de Salop's Case.

enemies) for 40 days, well and conveniently arrayed for the War; yet he may find another able person: howbeit in the one case it concerns the publick Administration and execution of Justice in time of Peace; and in the other, the publick defence of the Realm in time of War. See Coke, l. 9. Le Countee de Salop's Case.

Dereine.

DEreine ou Deraigne est prise e divers senses, & semble a venir del Francois *Disarroyer*, ceo est, confounder ou mitter hors d'ord; ou autrement del Norman pol *Desrene*, q est le denial del pp fait d'un home; & *Lex Deraisnia* fuist le Proove d'un chose q u denia destre fait p luy mesme, & son adversarie affirme, defeatant & confoundant l'assertion de son adversarie, & monstrant ceo destre sans & envers reason ou pprobability. Et e nre Ley il est variousement use. Primerement generalment, de pper; cõe, *Dirationabit jus suū hāeres propinquior*, Glan. l. 2. c. 6. & il l. 4. c. 6. dit, *Habeo probos homines qui hoc viderūt & audiverunt, & parati sunt hoc dirationare*. En m le manñ *Bract. c. 2* use, *Habeo sufficientē Disratiocinationē & probat*.

Per le Statute de 31 H. 8. c. 1. Joyntenants & Tenants en common averont Ayde, al entent a deraigner le

Dereine.

DEreine is taken in divers senses, and seems to come from the French *Disarroyer*, that is, to confound or put out of order; or else of the Norman word *Desrene*, which is the denial of a man's own act; and *Lex Deraisnia* was the Proof of a thing which one denies to be done by himself, and his adversary affirms it, defeating and confounding the assertion of his adversary, and shewing it to be without and against reason or probability. And in our Law it is diversly used. First generally, to prove; as, *Dirationabit jus suum hāeres propinquior*, Glanville l. 2. c. 6. and he, l. 4. c. 6. saith, *Habeo probos homines qui viderunt & audiverunt, & parati sunt hoc dirationare*. In the same manner Bracton uses it, *Habeo sufficientem Disratiocinationem & probationem*.

By the Statute of 31 H. 8. cap. 1. Joyntenants and Tenants in common shall have Aid, to the intent to deraigne the

Gar-

Garrantie paramount. So Plo. in Manxel's Case, fol. 7. b. hath this Case. If a man hath an Estate in fee with Warrantie, and enfeoffs a stranger with Warrantie, and dies, and the feoffee vouches his Heir; the Heir shall deraigne the first Warrantie. Also this word is used when Religious men forsake their Orders and Professions; as in Kirch. fol. 152. b. if a man makes a Lease for life upon condition, that if the Lessor dies without issue, then the Lessee shall have fee, the Lessee enters in Religion, and then the Lessor dies without issue, and after the Lessee is deraigned; he shall not have fee, inasmuch as at the time of the Condition the fee cannot vest in him.

Garrantie paramount. Insint Plo. in Manxel's Case, fol. 7. b. ad cest Case, Si home ad Estate en fee ove Garrantie, & enfeoffe estranger ove Garrantie, & morust, & le Feoffee vouch son Heire; le Heire deraignera le primer Garrantie. Auxy cest parol est use quant Religious homes waiva leur Orders & Professions: come en Kirch. fol. 152. b. si home fait Lease p vie sur condition, q si le Lessor devie sans issue, que donques le Lessee avera Fee, le Lessee enter en Religion, & puis le Lessor devie sans issue, & puis le Lessee est deraigne; il navera Fee, entant q al temps del Condition le Fee ne poit vest en luy.

De son tort demesne.

De son tort demesne.

DE son tort demesne seem to be certain words of form in an Action of Trespasse, used by way of Reply to the Plea of the Defendant: As if A sues B in an Action of Trespasse, and B answers for himself, that he did this which A calls Trespasse by the commandment of C his Master; A saith again, that B did this of his own wrong, without that that C commanded him in such manner and form, &c.

DE son tort demesne semble destre certain pols d forme eū Actiō d Trespasse, use p voy d Reply al Plee del Defendant: Cōc si A suist B en un Action de Trespasse, B respondue p luy mesme, q il ad c' fait q A appel Trespasse p le commandment de C son Master; A dit arere, q B ad ceo fait de son tort demesne, sans ceo q C luy commanda modo & forma, &c.

Debt.

Det.

DEBT is a writ that lies where any summ of money

DET est un Briefe q gift lou asc' somme d'argent est

est due a un p reason d'Account, Bargain, Contract, Obligacⁿ, ou aue Especialtie, a estre pay a ascⁿ certain jour, le quel nest paya ; donques il aver cest Bre. Mes si ascⁿ argent soit due a ascⁿ S^r p son Tenant p ascⁿ Rent-service, le S^r ne unques avera Actio de Det p ceo, mes il faut distreine p ceo. Auxy p Rent-charge ou Rent-secke, quel home ad p terme de son vie, en taile, ou en fee, il navera Actio de Det cy longe come le Rent endure; mes les Executors poyent aver un Actio de Det p les Arrerages due e le vie leur Testator, p le Statute 32 H.8.c.37.

Pur Arrerages de Rent reserve sur u Lease p terme d'ans, le Lessor est a son electio d'aver Actio de Det, ou pur distreiner; mes si le Lease soit derermin^d, donques il ne distreindra aps p cel Rent, mes covient luy d'aver un Actio de Det p les Arrerages.

Et nota, Que p le Ley del Realme Det est solemt prise de surder sur ascⁿ Contract ou Penaltie impose p ascⁿ Statute ou paine, & nemy p aue offences, cōe e le Civil Ley, *Debitum ex delicto*.

Si home enter Taverne a boyer, & quant il ad boya, il de ala, & ne voet pay le Taverner; le Taverner navera Actio de Trespasse vers luy pur son Entrie, mes avera Acti-

is due to a man by reason of Account, Bargain, Contract, Obligation, or other Especialty, to be paid at a certain day, which is not paid; then he shall have this Writ. But if any money be due to any Lord by his Tenant for any Rent-service, the Lord shall never have Action of Debt for that, but he must distrain for it. Also for Rent-charge or Rent-seck, which any man hath for life, in tail, or in fee, he shall not have any Action of Debt as long as the Rent continues; but his Executors may have an Action of Debt for the Arrerages due in the life of their Testator, by the Statute 32 H.8.c.37.

For Arrerages of Rent reserved upon a Lease for term of years, the Lessor is at his election to have an Action of Debt, or to distrain: but if the Lease be determined, then he shall not distrain after for that Rent, but he must have an Action of Debt for the Arrerages.

And note, That by the Law of the Realm Debt is onely taken to arise upon some Contract or Penalty imposed upon some Statute or pain, and not by other offences, as in the Civil Law, *Debitum ex delicto*.

If a man enter into a Tavern to drink, and when he hath drank, goes away, and will not pay the Wintner; the Wintner shall not have an Action of Trespasse against him for his Entry, but shall have an Action

on of Debt for the same.

If I deliver Cloth to a Tailor to make a Gown, if the price be not agreed on in certain before, how much I shall pay for the making; he shall not have against me a general Action of Debt, but a special one, and shall declare specially, and it shall be put to the Jury how much he deserves.

But if a Tailor make a Bill, and himself rates the making and the necessities thereunto; he shall not have an Action of Debt for his own values, unless it was so specially agreed; but in such case he may detain the Garment until he be paid, as an Hostler may his Guest's Horse for his meat. Coke, l.8. 147.

Detinue.

Detinue is a writ that lies against him who, having goods and chattels delivered to him to keep, refuses to redeliver them. See hereof F.N.B. 138.

Devastaverunt bona Testatoris.

Devastaverunt bona Testatoris is, when the Executors will deliver Legacies, or make restitution for wrongs done by their Testator, or pay his Debts due upon Contracts or Specialties, whose days of payment are not yet come, &c. and keep not sufficient in their hands to discharge those Debts upon Re-

on de Det pur le Vine.

Si jeo deliver Drape a un Tailor faire un Togé, si le price ne soit agree en certain devant, come bien jeo payera pur le seafance; il navera vers moy un general Action de Det, mes un special Action d' Det, & countera specialm^t, & il ferra mis al Jurie quant il deserve.

Mes si un Tailor fait un Bill, & il m^e rate le seafance & les necessities a ceo; il navera Action d' Det p^r ses values de mesm^e, si non q['] fuit issint especialm^t agreez mes en tiel case il poit detein le Garment tanq['] il soit satisfe, cōe un Hostler poit le Chival de son Guest p^r son viands. Coke, l.8. 147.

Detinue.

Detinue est un B^re q['] gift vers luy q['], ayant biens & chattels deliver a luy de gard^e, refusa de restorer eux arere. Vide d['] c['] F.N.B. 138.

Devastaverunt bona Testatoris.

Devastaverunt bona Testatoris est, quā les Executors voil^t deliver Legacies, ou faire restitution pur torts faits p^r leur Testator, ou pay ses Dets due sur Contracts ou Specialties, qux jours d['] paym^t ne sōt unco^r venus, &c. & ne gard sufficiēt ē leur mains p^r discharg['] ceux Dets sur Records

cords ou Specialties q̄ ils s̄or
compellable primer̄nt per le
Ley de s̄atisfier ; donques ils
serront constraine de payer d̄
lour biens demesne ceux du-
ties, accordant al value d̄ c' q̄
ils deliveront ou pay sans cō-
pulsion : car tiel irregular &
illoyal Paym̄ts sont account
en le Ley ū *Wasting* des biens
del Testator, y tant come si
ils ad done eux sans cause, ou
vend eux, & convert a lour
proper use.

Et pur ceo si *A* soit lie en
Recognisance, ou en Statute
Merchant ou Staple, & puis
Recoverie est ewe vers luy en
Action de Det, & il fait ses
Executors, & morust, ses Exe-
cutors sont tenus per la Ley a
payer le Det due sur le Reco-
verie, com̄t q̄ soit puisne, de-
vant le Det due p̄ Recogni-
sance ou Statute, p̄ ceo q̄ co-
ment q̄ ambideux sont Re-
cords, uncore le Jugem̄t ē le
Court le Roy sur judicial &
ordinary proceeding est pluis
notorious & conspicuous, &
de pluis hault & eminent de-
gree, q̄ ū Statute ou Recog-
nisance prise en private, & p̄
consent des parties, & p̄ ceo
p̄ferre en jugem̄t del Ley de-
vāt Recognisance ou Statute:
& si l'Executors ne ceo pri-
mer̄nt s̄atisfia, donq̄ s̄ils nont
d̄s biēs le mort ē lour mains,
il responderont ceo de lour
biens demesne. Isint l'Ordin-
arie ayant biens d'un q̄ mo-
rust intestat ē ses mains p̄Se-

cords or Specialties which they
are compellable by the Law to
satisfie in the first place ; then
they shall be constrained to pay
these out of their own goods, ac-
cording to the value of what they
voluntarily delibered or paid :
for such irregular and illegal
Payments are accounted in the
Law, a Wasting of the goods of
the Testator, as much as if they
had given them away without
cause, or sold them, and con-
verted them to their own use.

And therefore if *A* be bound in
a Recognisance, or in a Sta-
tute Merchant or Staple, and
after Recovery is had against
him in an Action of Debt, and
he makes his Executors, and
dies ; his Executors are bound
by the Law to pay the Debt due
upon the Recovery, although it
be later in time, before the Debt
due by Recognisance or Sta-
tute, because though both are
Records, yet the Judgment in
the King's Court upon judicial
and ordinary proceeding is more
notorious and conspicuous, and
of a more high and eminent de-
gree, then a Statute or Recog-
nisance taken in private, and by
consent of parties, and is there-
fore preferred in judgment of the
Law before Recognisance or
Statute : and if the Executors
do not satisfie this first, then if
they have no goods of the dead
in their hands, they shall pay it
of their own. So the Ordinary
having goods of one that dies
intestate in his hands by Se-
questration,

questration, and an Action of Debt upon an Obligation to the value of the said goods is brought against him as Ordinary; he shall not dispose or administer any parcell of the said goods to the other Creditors at his pleasure, but is bound to satisfy the Debt first for which an Action is brought against him. *Dyer, fol. 232. plac. 5.*

questration, & un Action de Det sur un Obligation al value des dits biens soit port vers luy come Ordinarie; il ne disposera ou administrera aucun pecl de les dits biens a les auters Creditors a son pleasure, mes est tenu a satisfier le Det primes de que un Action e attempr vers luy. *Dyer, fol. 232. placito 5.*

Devenerunt.

DEvenerunt is a Writ directed to the Escheator, when any of the King's Tenants holding in Capite dies, and when his son and heir, within age, and in the King's custody, dies, then shall this Writ go forth, commanding the Escheator, that he by the oath of good and lawfull men enquire what Lands or Tenements by the death of the Tenant come to the King, &c. See *Dyer, fol. 360. pla. 4.* But see the Stat. 12 Car. 1. cap. 24.

Devenerunt.

DEvenerunt est un Bre direct al Escheator, quāt alcun Tenants le Roy q̄ tient en Capite morust, & q̄nt son firs & heir, deins age, & custodie le Roy, morust, donq̄ cest Brief issera, comandant l' Escheator, que il per le serement de p̄bes & loyals homes enquire q̄ Terres ou Tenements p̄ le mort le Tenant deveigne al Roy, &c. Veies *Dyer, fol. 360. pla. 4.* Mes veies le Stat. 12 Car. 2. cap. 24.

Devest.

DEvest is a word contrary to Invest; for as Invest signifies to deliver the possession of a thing, so Devest signifies the taking it away.

Devest.

DEvest est un pol contrary al Invest; car cōe Invest signifie a trader le possession d' un chose, issint Devest signifie lauferance d' ceo.

Devise.

DEvise is, where a man in his Testament gives or

Devise.

DEvise est, lou un en son Testament done ou grant

grant ses Biens ou ses Terres a un aul apres son decease. Et lon tiel Devise est fait des Biens, si les Executors ne voylent deliver eux a le Devisee, il nad remede p le Common Ley; mes il covient de aver un Citation vers les Executors le Testator, de appearer devant le Ordinary, demonstrer p quoy il ne pforma le Volunt le Testator: car le Devisee ne poit prendre le Legacie & luy m server, mes il doit estē deliver a luy per les Executors.

Mes p le Common Ley, si home fuit sole seisie d Terres en fee, & devisa eux p son Testamēt; cest Devise fuit voyde, si non les Terres fueront en un Citie ou Borough lou Terres sont devisable per Custome. Mes si asc' home fuisset onseoffe al use d un aul & ses heirs, & cestuy a q use il fuit assint seisie fesoit Devise d ses Terres; cest Devise fuit bon, comt que il ne fuit en Ville lou Terres sont devisable.

Aul si asc' home devise Terres en Citie, Ville, ou Borough, devisable, & le Devisor devie; si son Heire ou asc' aul abate en les Terres, donqs le Devisee avera Bfe de *Ex gravi querela*. Mes cest Bfe ne serra jamis plede devant le Justice le Roy, mes routs foits devant le Maior ou Bailife en le dit Ville.

Et ore, al fine de monstre

bequeaths his Goods or Lands to another after his decease. And where such Devise is made of Goods, if the Executors will not deliver them to the Devisee, he hath no remedy by the Common Law; but it behooves him to have a Citation against the Executors of the Testator, to appear before the Ordinary, to shew why he performs not the Will of the Testator: for the Devisee may not take the Legacy and serve himself, but it must be delivered to him by the Executors.

But by the Common Law, if a man be sole seised of Lands in fee, and devises them by Testament, this Devise was void, unlesse the Lands were in City or Borough where Lands are devisable by Custome. But if any man were infeoffed to the use of another and his heirs, and he to whose use he was so seised did make Devise of his Lands; this Devise was good, though it were not in a Town where Lands are devisable.

Also if any man devise Lands in City, Town, or Borough, devisable, and the Devisor dies, if his Heir or any other abate in the Lands, then the Devisee shall have a Writ of *Ex gravi querela*. But this Writ shall never be pleaded before the King's Justice, but always before the Maior or Bailiffs in the same Town.

And here, to the end to shew how

how much the Laws of this Realm, and the discreet Judges of the same, who are the Interpreters of it, do favour Wills and Testaments, and Devises, in yielding to them such a reasonable construction as they think might best agree with the minds of the dead, considering that Wills and Testaments are for the most part, and by common intentment, made when the Testator is very sick, weak, and past all hope of recovery: for it is a received opinion in the Countrey amongst most, that if a man should chance to be so wise as to make his Will in his good health, when he is strong, of good memory, and hath time and leisure to ask counsell (if any doubt were) of the Learned, that then he should not live long after; and therefore they deferre it to such time when it were more convenient to apply themselves to the dispositions of their Souls, then of their Lands or Goods, except it were that by the fresh memory and recitall of them at that time, it might be a cause to put them in mind of some of their goods or lands falsly gotten, and so move them to restitution, &c. And at that time the penning of such Wills is commonly committed to the Minister of the Parish, or to some other more ignorant, who knows not what words are necessary to

quant les Leys de cest Royalm, & les discreet Judges de ceo, queux sont les Interpreters, ont favour Volunts & Testaments, & issint Devises, en yeelding al eux tiel reasonable construction come ils pensent poit bien agreer ove les mentes de les morts, considerantes q Volunts & Testaments sont p le plus part, & per common intendment, fait quant le Testator est ore en grand languor, feeble, & passa tout sperans de recoverie: car il est un opinion en le Pays inter le greinder nombre, q si un home perchance soit cy prudent com de faif son Volunt en son bon sanitie, quant il est strong, d' bon memorie, & ad temps & opportunitie demand counsel (si asc' doubte soit) de l' Learned, q donqs il ne doit vivre long apres; & p c' ils c' deferre tanq tiel temps quant ceo soit plus covenient de applier eux mesmes a le disposition de leur Ames, q de leur Trs & Biens, si nō q il soit q p fresh memorie & recitall d' eux a cest temps, il poit estre un cause de mitre eux en mt de asc' de leur biens ou tres fausement purchase, & issint move eux al restitutio, &c. Et a cest tēps l' escriptur d' tiels Volunts est comunement comit al Minister del-Paroch, ou al asc' auter plus ignorant, q ne scavoit queux pōls sont necessarie p
 fait

faiz un Estãte en Fee-simple, Fee-taile, p̄ tme de vie, ou tiels seblables, prãter divers aũs mischiefs : Ieo voile pur ceo mis cy ascũs d̄ ceux Cases queux sont pluis cõmon ē les bouches de les ignorãt hões, & portant, p̄ le scavient interpretations de les Judges, un large & pluis favourable sence en Volunts, que en Faits.

Et pur ceo primerĩt, si un devise al J. S. p̄ son Volunt tous ses Terres & Tenements ; icy non soleĩt tous ceux Terres q̄ il ad en possession passõr, mes auxy tous ceux q̄ il ad en Reversion, p̄ vertue de ceux p̄ols, Tenements.

Et si Terres sont devise a un hõe a aver a luy imp̄petuum, ou aver a luy & les Assignes ; en ceux deux cases le Devisee avera Fee-simple. Mes si soit done p̄ Feoffment en tiel mĩner, il nad forsque Estate pur terme de vie.

Auxy si un home devise ses Tr̄s al aũs, pur doner, vender, ou faire de ceo a son volunt & pleasure, c'est Fee-simple.

Un Devise fait al un & a ses Heĩrs males fait un Estate taile : Mes si tiels parolx sont mis en un Fait del Feoffm̄t, il ser̄ prise Fee-simple, pur ceo que il nappiert de que co ps l̄s Heires males serra engender.

Si Terres sont done p̄ Fait al J. S. & a les Heires males de son corps, &c. que ad issue

make an Estate in Fee-simple, Fee-tail, for term of life, or such like, besides many other mischiefs : I will therefore here set down some of those Cases that are most common in ignorant mens mouths, and carry, by the wise interpretations of the Judges, a larger and more favourable sence in Wills, then in Deeds.

First therefore, if one devise to J. S. by his Will all his Lands and Tenements ; here not onely all those Lands that he hath in possession do passe, but all those that he hath in Reversion, by virtue of those words, Tenements.

And if Lands be devised to a man to have to him for ever, or to have to him and his Assigns ; in these two cases the Devisee shall have a Fee-simple. But if it be given by Feoffment in such manner, he hath but an Estate for term of life.

And if a man devise his Land to another, to give, sell, or doe therewith at his pleasure or will ; this is Fee-simple.

A Devise made to one and to his Heirs males doth make an Estate-tail : But if such words be put in a Deed of Feoffment, it shall be taken for Fee-simple, because it doth not appear of what body the Heirs males shall be begotten.

If Lands be given by Deed to J. S. and to the Heirs males of his body, &c. who hath issue a daughter,

daughter, who hath issue a son, and dies; there the Land shall return to the Donor, and the son of the daughter shall not have it, because he cannot convey himself by Heirs males, for his mother is a lett thereto: But otherwise it is of such a Devise, for there the son of the daughter shall have it, rather then the Will shall be void.

If one devise to an Infant in his mother's belly, it is a good Devise; but otherwise by feoffment, Grant, or Gift; for in those cases there ought to be one of ability to take presently, or otherwise it is void. See 14 El. Dy. 304.

A Devise made in Fee-simple without expresse words of Heirs, is good in Fee-simple.

But if a Devise be made to J. N. he shall have the Land but for term of life; for those words will carry no greater Estate.

If one will that his son J. shall have his Land after the death of his wife; here the wife of the Debisor shall have the Land first for term of life. So likewise if a man devise his goods to his wife, and that after the decease of his wife, his son and heir shall have the House where the goods are; there the son shall not have the House during the life of the wife: For it doth appear that his intent was, that his wife should have the House also for her life,

file, que ad issue fits, & morust; la le Terre revertera al Donour, & le fits de file n'averà ceo, pur ceo que il ne poit a luy mesme conveyer p Heires males, car la mere est un obstacle a ceo: Mes autrement est de tiel Devise, car la le fitz del file ceo avera, plustost que le Volunt serra void.

Si un devise al Enfant en ventre matris sue, cest bone Devise; mes auterment p Feoffement, Graunt, ou Done; car en ceux cases il doit estre un del habilitie p prendre maintenant, auterment il est void. Veies 14 El. Dy. 304.

Un Devise fait en Fee-simple sans expresse parols del Heires, est bone en Fee-simple.

Mes si un Devise soit al J. N. il avera les Terres forsq pur terme de vie; car ceux polys ne voient porter greinder Estate.

Si un voile que son fits J. avera son Terre puis le mort sa feme; icy le feme le Devisor avera le Terre primes pur terme de sa vie. Ilint si home devise ses biens a sa feme, & que apres le decease de son feme, son fits & heire avera le Meason ou les biens sont; la le fits n'averà le Meason durant le vie de le feme: Car il appiert que son intent fuit, que sa feme doit aver le Meason auy pur sa vie,

nient obstant il ne fuit devise
a luy p expresse parols.

Si un Devise soit al J. N,
& a les Heires females de
son corps engendres, apres le
Devisee ad issue firs & file,
& morust; icy le file avera le
Terre, & nemy le firs, & un-
core il est pluis digne person,
& Heire al son pere; mes
p ceo que Volunt del mort
est, que le file doit ceo aver,
Ley & Conscience voet is-
sint auxy.

Et en cest point les Hea-
thens fuerōt p̄cise, cōe appi-
ert p ceux Verses d' *Octavi-
us Augustus*, q̄ *Donatus* report
il seldit apres q̄ *Virgil* a son
mort donoit cōmandēnt q̄
ses Livres doient estre com-
bure, p ceo q̄ ils fueront im-
perfect, & uncor ascūs psua-
dōnt q̄ ils doyent estre save,
cōe en fait ils happiūt fue-
ront; a q̄ il respond' issint:

*Sed Legum servanda Fides;
suprema Voluntas
Quod mandat, firmiter jubet,
parere necesse est.*

Devoire.

DEvōire est tāt adire cōe
Dutie. Ceo est use en le
Statute de 2 R. 2. cap. 3. ou
est purview, Que tous Mer-
chants del West, esteant del
amitie le Roy, payera tous
mañers des Customes & Sub-
sidies, & auters Devoires de
Caleis. Veies le Stat. 5 *ejusd.*
Regis, cap. 2.

notwithstanding it were not de-
vised to her by expresse words.

If a Devise be to J. N, and
to the Heirs females of his body
begotten, after the Devisee hath
issue a son and daughter, and
dies; here the daughter shall
have the Land, and not the son,
and yet he is the most worthy
person, and Heir to his father:
but because the Will of the dead
is, that the daughter should have
it, Law and Conscience will so
also.

And herein the very Hea-
thens were precise, as appears
by those Verses of *Octavius Au-
gustus*, which *Donatus* reports
he made after *Virgil* at his
death gave commandment that
his Books should be burnt, be-
cause they were imperfect, and
yet some perswaded that they
should be saved, as indeed they
happily were; to whom he an-
swered thus:

Let Faith and Law be kept;
and what last Will
Commandeth to be done,
we must fulfill.

Devoire.

DEvōire is as much to say as
Da Duty. It is used in the
Statute of 2 R. 2. ca. 3. where
it is provided; That all the
Western Merchants, being of
the King's amity, shall pay all
manner of Customes and Sub-
sidies, and other Devoires of Ca-
leis. See the Stat. 5 *ejusdem*
Regis, cap. 2.

Devorce.

Devorce.

Devorce or Divorce, Divortium, dictum est à Diversitate mentium, quia in diversas partes eunt qui distrahunt Matrimonium; or else from the verb Diverto, which signifies to return back, because after the Devorce between the husband and wife, he returns her again to her father, or other friends, or to the place from whence he had her.

And though Devorce was never approb'd of by the Divine Law, but contrariwise prohibited, as appears by this precept, Let no man separate that which God hath joyned together; yet in all ages and well-governed Common-wealths it hath been used and permitted: As at this day with us there are divers causes for which the husband and wife may be devorced, as first *causa Præcontractus*.

Therefore if a man marry with a woman precontracted, and hath issue by her, this issue in Law and in truth bears the surname of his father: but if after the husband and wife be devorced for the Precontract, there the issue hath lost his surname, and is become a Bastard, and *nullius filius*, Cok. lib. 6. fol. 66.

Devorce may be *causa Frigiditatis*: and therefore if a man be married to a woman, and after they are devorced *causa Frigiditatis*, and then the man takes another wife, and hath issue by

Devorce.

Devorce, *Divortium, dictum* est à *Diversitate mentium*, quia in *diversas partes eunt qui distrahunt Matrimonium*; ou autrement del verbe *Diverto*, q̄ signifie de retourner arere, pur ceo q̄ puis le Devorce parent le baron & seigne, il luy retourne arere a sa pere, ou auter amies, ou al lieu de que il luy prist.

Et com̄t q̄ *Devorce* ne unqs fuit approve p le Divine Ley, mes al contrarie prohibite, cōe appiert p cest mandāt, *Quod Deus conjunxit homo non separet*; uncor̄ é routs ages & bien dispose Comonweales il ad este use & pmit: Et issint a cest jour ove nous la sont divers causes pur q̄ux baron & seigne poient estre devorce, come primerment *causa Præcontractus*.

Pur ceo si home marrie ove seigne *precontract*, & ad issue p luy, cest issue en Ley & en veritie port le surnosm̄ de sō pere: mes si puis le baron & seign̄ sont devorce pur le Precontract, ore l' issue ad perde son surnosm̄, & est devenu Bastard, & *nullius filius*. Cok. lib. 6. fol. 66.

Devorce poit estre *causa Frigiditatis*; & pur ceo si hōe soit espouse a un seign̄, & puis ils sōt devorce *causa Frigiditatis*, & dorq̄ le home prist auter seigne, & ad issue per luy;

luy; uncore cest issue est legitimare, pur ceo q̄ hōe poit estre *habilis & inhabilis diversis temporibus*, & p le Devorce *causa Frigiditatis* le Marriage fuit dissolve à *vinctulo Matrimonii*, & p consequence chescun de eux poit marriare. *Co.li. 5. f. 98.b.*

Auxy hōe poit estre devorce *causa Impubertatis*, ou *Minoris etatis*: & en ceo case si deux sōt espouse *infra annos nobiles*, & apres le pleine age Devorce soit prise inter eux; ceo dissolve l'Espousals, & le fem poit suer ū Assise vers le barō pur Terres ou Tenements doñ ove luy en Frank-marriage, 19 *lib. Assis. Pla. 2.* Issint Devorce poit estre *causa Professionis*, *causa Consanguinitatis*, *causa Fornicationis*, & pur plusors auts meistres, puis tedious destr jamms recite.

Covient q̄ en le sentence de Devorce le Cause de ceo soit monstre, pur ceo que ascun Devorce dissolve le Matrimonie, cest adire, à *vinctulo Matrimonii*, bastard le issue, & barre le feme de Dower; & ascun à *mensa & thoro*, le quel ne dissolve le Matrimonie, ne barre le feme de Dower, ne bastard le issue.

Devorce est Judgement spiritual, & pur ceo, sil soit cause, covient estre reverse en le Spiritual Court. Ve es *Cok. lib. 7. Kenne's Case.*

Si feme Copiholder de

her; yet this issue is lawfull, because that a man may be *habilis & inhabilis diversis temporibus*, and by the Devorce *causa Frigiditatis* the Marriage was dissolved à *vinctulo Matrimonii*, and by consequence either of them might marry again. *Cok. lib. 5. fol. 98. b.*

Also a man may be devorced *causa Impubertatis*, or *Minoris etatis*: and in this case if two are married *infra annos nobiles*, and after full age Devorce is had between them; this dissolves the Marriage, and the woman may arraign an Assise against the Husband for the Lands or Tenements given with her in Frank-marriage, 19 *lib. Assise, Pla. 2.* So Devorce may be had *causa Professionis*, *causa Consanguinitatis*, *causa Fornicationis*, and for many other causes, too long to be now recited.

It is requisite that in the sentence of Devorce the Cause thereof be shewed, because some Devorce dissolves the Matrimony, that is to say, à *vinctulo Matrimonii*, bastards the issue, and bars the wife of Dower; and some à *mensa & thoro*, the which dissolves not the Matrimony, nor bars the woman of Dower, nor bastards the issue.

Devorce is a Judgement spiritual, and therefore, if there be cause, ought to be reversed in the Spiritual Court. See *Cok. lib. 7. Kenne's Case.*

If a woman Copiholder of certain

certain Land, durante viduitate sua, according to the Custome of the Mannor, sows the Land, and before the severance of the Corn takes a husband; the Lord shall have the Emblements, and not the husband: But if a Lease be made to the husband and wife during the Coverture, and the husband sows the Land, and afterward they are divorced causa Præcontractus; the husband shall have the Emblements, and not the Lessor.

certeine Terre, *durante viduitate sua*, solonque le Custome del Manor, emblea le Terre, & devant le severance des Emblements prist baron; ore le Seignieur avera l' Emblements, & nemy le baron: Mes si Lease soit fait al baron & feme durant le Coverture, & le baron emblea le Terre, & puis ils sont divorce *causa Præcontractus*; le baron avera les Emblements, & nemy le Lessor.

Dicker.

Dicker is a word used in the Statute of 1 Jacobi, cap. 22. and it signifies the quantity of Ten Hides of Leather. And it seems to come from the Greek word Decas, which signifies Ten.

Dicker.

Dicker est un parol use en l' Statute 1 Jacobi, cap. 22. & signifie le quantite des Dize Hides de Cuir. Et semble de venir del Greeke parol *Decas*, que signifie Dize.

Diem clausit extremum.

Diem clausit extremum is a writ that lies where the King's Tenant that holds in Chief dies; then this writ shall be directed to the Escheator, to enquire of what Estate he was seised, who is next Heir, and his age, and of the certainty and value of the Land, and of whom it is holden; and the Inquisition shall be returned into the Chancery, which is commonly called The Office after the death of that person.

Diem clausit extremum.

Diem clausit extremum est un Brief q' gist lou Tenant le Roy que tient en Chief morust; donque cest Brief sera direct al Escheator, d'enquiere de quel Estate il fuit seise, que est prochain Heire, & de quel age, & de la certaintie & value del Terre, & de que c' est tenu; & cel Inquisition serra retourne en le Chancerie, & est communement appel Le Office apres le mort del tiel person.

Et

Et est autre Brief de *Diem clausit extremum* agard hors del Exchequer, apres mort del un Accomprant ou Dettor al Roy, a levier le Dett de son Heire, Executor, Administrators terres ou biens.

And there is another Brief of *Diem clausit extremum* awarded out of the Exchequer, after the death of an Accountant or Debtor of his Majestie, to levie the Debt of his Heir, Executor, Administrator's lands or goods.

Dies datus.

Dies datus.

D*ies datus* est un Respite done al Tenant ou Defendant devant le Court. Brook Tit. Continuance.

D*ies datus* is a Respite given to the Tenant or Defendant before the Court. Brook Tit. Continuance.

Dieta rationabilis.

Dieta rationabilis.

D*ieta rationabilis* est ascū foits use pur le Reasonable Journey d'un jour, cōe *Bra. li. 3. part. 2. ca. 16.* Il ad ē le Civile Ley auters interpretations, q ne besoigne destre cy insert. Veies *Vocabul. utriusque Juris.*

D*ieta rationabilis* is sometimes used for a Reasonable Day's journey, as *Bract. lib. 3. part. 2. cap. 16.* It hath in the Civil Law other significations, which need not be here mentioned. See *Vocabul. utriusque Juris.*

Dieu son act.

Dieu son act.

D*ieu son act*, ceux sont parols plusors foits use ē nostre Ley, & la est ū Maxim, Que l'Act de Dieu serra prejudice a nulluy: Et pur ceo si Meason eschiust per Tempest, ou autre Act de Dieu, le Lessee p vie ou pur ans non solemt serra quit en Action de Waste port vers luy, mes ad p le Ley ū special interest a pnder l' merisim p edifier l' Measō aref, sil voit, p sō habitatiō. *Cok. lib. 4. 63. & lib. 11. 82. a.*

D*ieu son act*, these are words oftentimes used in our Law, and it is a Maxime, That the Act of God shall prejudice no man: And therefore if a House fall down by Tempest, or other Act of God, the Lessee for life or years shall not onely be quit in an Action of Waste brought against him, but hath by the Law a special interest to take timber to build the House again, if he will, for his habitation. *Coke lib. 4. 63. & lib. 11. 82. a.*

In

In like manner, when the Condition of an Obligation consists of two parts in the disjunctive, and both are possible at the time of the Obligation made, and afterwards one of them becomes impossible by the Act of God; the Obligor is not bound to perform the other part, for the Condition shall be taken beneficially for him. *Coke lib. 5. 22.*

En mesm le manner, quant le Condition dun Obligation estoit sur deux parts e le disjunctive, & ambideux sont possible al temps del Obligation fait, & puis lun de eux deveigne impossible per l' Act de Dieu; le Obligor nest tenu a pformer l' autre part, car le Condition serra prise beneficialment pur luy. *Cok. lib. 5. 22.*

Dignitie Ecclesiastical.

Dignitie Ecclesiastical is a phrase of speech used in the Statute of 26 Hen. 8. cap. 3. and by the Canonists is defined to be Administration conjoynd with power and Jurisdiction.

Dignitie Ecclesiastical.

Dignitie Ecclesiastical est un phrase de parlance use en l' Stat. de 26 H. 8. cap. 3. & per les Canonists est define destre *Administratio cum Jurisdictione & potestate aliqua conjuncta.*

Diocesse.

Dioceffe is the Circuit of the Jurisdiction of every Bishop: for this Realm hath two kinds of Divisions; the one in Shires or Counties, in respect of the Temporal politic; the other in Diocesses, in respect of the Ecclesiastical jurisdiction.

Diocesse.

Dioceffe est le Circuit del Jurisdiction de chescun Evesque: car cest Royalme ad deux sorts de Divisions; l' un en Shires ou Counties, en respect del Temporal policy; laut en Diocesses, e respect del jurisdiction Ecclesiastical.

Disabilitie.

Disabilitie is, when a man by any act or thing, by himself or his ancestor done or committed, or for or by any other cause, is disabled or made incapable to doe, inherit, or take benefit or advantage of a thing.

Disabilitie.

Disabilitie est, quant hœc p asc' chose ou act, p luy m ou son ancestor fait ou comit, ou p asc' au cause, est *disable* ou fait incapable a fair, de inheriter, ou de prender benefit ou advantage d' u chose, que

que auterment il puit aver done ou faire.

La sont plusors choses per queux hōe poit estre disable; & ceux sont communement ou p l'act del Partie, ou son Ancestor, ou p l'act del Ley, ou de Dieu.

Disabilitie per act del Ancestor; cōe si home soit attainct de Treason ou Felonie, p cest Attainct son sangue est corrupt, & per ceo luy mesme & ses issues disable d'inherir.

Disabilitie per l'act del Partie mesme; come si ū hōe fait Feoffment al aut hōe q adonque est sole, sur condition, q il enfeoffe un tierce home devant M. & devāt M. ou le Feoffant fait, le Feoffee prist feme; il ad per ceo luy disable de performer le Condition accordant al trust en luy repose, & p ceo le Feoffor poit enter, & luy ousta, come est *Lit. sect. 357*. Issint si le Feoffee charge le Terre, ou enter en un Statute-Staple ou Statute-Merchant; p ceux acts il ad luy mesme disable, & le Feoffor p ceo poit enter, come en le prim case. Issint si jeo moy oblige, q sur Surrender d'un Lease jeo voile faire un novel Estate al Lessee, & puis jeo grant ouster mon Reversion; en ceo case, comt que jeo en apres ceo repurchase, & acquire tout le Reversion a moy arere, uncore jeo aye forfeit mon Obligac', p c' q jeo suy un foits disable

which otherwise he might have had or done.

There are many things by which a man may be disabled; and those are ordinarily either by the act of the Party, or his Ancestor, or by the act of the Law, or of God.

Disability by the act of the Ancestor; as if a man be attained of Treason or Felony, by this Attainder his bloud is corrupt, and thereby himself and his children disabled to inherit.

Disability by the act of the Party himself; as if a man makes a Feoffment to another man that then is sole, upon condition that he shall infeoff a third man before M. and before M. or the Feoffment made, the Feoffor takes a wife; he hath by that disabled himself to perform the Condition according to the trust in him reposed, and therefore the Feoffor may enter and out him, as it is *Lit. sect. 357*. So if the Feoffor charges the Land, or enters into a Statute-Staple or Statute-Merchant; by these acts he hath disabled himself, and therefore the Feoffor may enter, as in the former case. So if I bind my self, that upon Surrender of a Lease I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion; in this case, though I afterwards repurchase, and get the whole Reversion to me again, yet I have forfeited my Obligation, because I was once disabled

to perform it. Coke, l. 5. f. 21. Also if a man be Excommunicated, he cannot during that time sue any Action, but shall be thereby disabled. Coke, l. 8. f. 69. and so in many other cases.

Disability by act of Law is, most properly, when a man by the sole act of the Law, without any former thing by him done, is disabled; and so is Alien born. And therefore, if a man born out of the liegeance of our Lord the King will sue any Action, the Tenant or Defendant may say, that he was born in such a Country forth of the King's liegeance, and demand judgment if he shall be answered; for the Law is our Birthright, to which an Alien is collateral and a stranger, and therefore disabled to take any benefit thereby.

By the act of God; as not to be of whole memory is a Disability in some cases, and in others not; for which it seems this difference may be taken: that in all cases where a man of no whole memory gives or passes any thing or Estate out of him, this after his death may be disannulled and avoided; but where a man of Non sanæ memoriæ doth a thing whereby nothing passes out of him, there he may in some special cases be bound: as if he be Lessee for years, rendering Rent, and the Lessor grants the Reversion; there the Lessee non sanæ memoriæ cannot make Attornment, for he that is amens,

de ceo pforme. Coke, l. 5. f. 21. AuX si hōe soit Excomenge, il ne poit durant ceo temps suer asc' Action, mes serra per ceo disable, Coke, l. 8. f. 69. & il s'ent en plusors auters cases.

Disabilitie per act del Ley est, pluis ppermt, quant hōe per le sole act del Ley, sans aucun original ou prim chose per luy fait, est disable; & issint est Alien nee. Et pur ceo, si home nee hors de la liegeance de nostre Seignior le Roy voile suer asc' Action, le Tenant ou Defendant poit dire, q il s'uit nee en tiel Pays hors de la liegeance le Roy, & demand judgment sil serra respondue; car le Ley est nre Birthright, a q un Alien est collateral & estrang', & p ceo disable p prendre aucun benefit p ceo.

Per l' act de Dieu; come destre *Non compos mentis* est un Disability e asc' cases, & en asc' nemy; p q semble que cest difference poit est' prise: q en en tous cases ou home *non compos mentis* done ou passe asc' chose ou Estate hors de luy, ceo poit apres son mort est' anient & fait voyd; mes ou home *non sanæ memoriæ* fait ũ chose per q riens pas hors de luy, la il poit en aucuns especial cases est' lie: cōe si il soit Lessee p ans, rendāt Rent, & le Lessor grāta le Reversio; ore le Lessee *non cōpos mentis* ne poit fail Attornment, car cestuy q est amens,

ou sans ment, ne poit faire Attornement, q̄ est Agreeunt; & uncore en tiel case si le Lessor ejecte luy, & fait Feoffment, & puis le Lessee non sanz memorie re-enter, cest act de Re-entrie subject luy mesme al Distresse & Action de Waste.

Et il est u Maxime en la Ley, Que hōe d̄ plein age ne ung serra receve a disabler son pson demesne. Et cest incapacite a disabler luy mesme, quant al asc' psons est psonal, & extend solemt al partie mesme; & quant al auts nest psonal, mes liera eux auxy.

* Sont quater manier de Privities: scil. Privies en Sank, cōe Heire; Privies en Representation, come Executors ou Administrators; Privies en Estate, come Done en taile, le Reversion ou Remainder en fee, &c. & Privies en Tenure, cōe Sñr & Tenant: & deux de ceulx poyent disabler le pson del mort, q̄ ne fuit *compositus*, ou, &c. & avoidera ses Grants ou Feoffments, & deux nemy. Car Privies en Sank poient monstre le Disabilitye del Ancestor, & Privies en Representation l' Infirmitie de lour Testator ou Intestate; mes neque Privie en Estate neque Privie en Tenure eo serra. *Coke, l. 4. f. 123, 124. Veies Lit. sect. 405. & Coke, l. 8. f. 43.*

or without mind, cannot make Attornment, which is Agree-ment; and yet in such case if the Lessor ejects him, and makes a Feoffment, and afterwards the Lessee non sanz memorie re-enters, this act of Re-entry doth subject him to the Distresse and Action of Waste.

And it is a Maxime in Law, That a man of full age shall never be received to disable his own person. And this incapacity to disable himself, as to some persons is personal, and extends onely to the party himself; and as to others it is not personal, but shall bind them also.

There are four manner of Privities: scil. Privities in Blood, as Heir; Privities in Representation, as Executors or Administrators; Privities in Estate, as Donee in tail, the Reversion or Remainder in fee, &c. and Privities in Tenure, as Lord and Tenant: and two of these may disable the person of the dead, which was non sanz memorie, or, &c. and shall avoid his Grants or Feoffments, and two of them not. For Privities in Blood may shew the Disability of the Ancestor, and Privities in Representation the Infirmitie of their Testator or Intestate; but neither Privy in Estate nor Privy in Tenure can so doe. *Coke, l. 4. fol. 123, 124. See Lit. sect. 405. & Coke, l. 8. fol. 43.*

Disalt.

Disalt signifies as much as to Disable. Littleton, cap. Discontinuance.

Disceit.

Disceit is a Writ, sometime Original, and sometime Judicial. When it is Original, it lies where any Disceit is done to a man by another, by not performance of a Bargain or Promise, then he that is in such manner deceived shall have this Writ.

When it is Judicial, it lies where a Scire facias is sued out of any Record against a man, and the Sheriff returns that he is warned, where he was not; or where a Præcipe quod reddat, of a Plea of Lands, or a Quare impedit, of the Presenting to a Church, is sued against one, and the Sheriff returns that the Defendant is summoned, where he was not; by which Disceit and false Return the Demandant or Plaintiff recovers: then the party grieved shall have this Writ against him that recovered, and against the Summoners, and against the Sheriff; and the Writ shall be directed to the Coroners of the same County, if he continue Sheriff that made the Return.

So if a man makes an Attorney in an Action real brought

Disalt.

Disalt signifie auxy mult cōe Disable. Littleton, cap. Discontinuance.

Disceit.

Disceit est un B're, ascun foits Original, & ascun foits Judicial. Quant il est Original, gist lou asc' Disceit est fait a asc' home p un aut, p non pformance d'un Bargain ou Promise, donqs cestuy q est e tiel man disceive avera cest Brief.

Quant il est Judicial, il gist ou Scire facias est sue hors d'ascun Record vers un, & le Viscount retourne que il est garnie, ou il ne fuit garnie; ou lou un Præcipe quod reddat, de Plee de T'res, ou Quare impedit, del Presentment al Eglise, est sue vers un, & le Viscount retourne que le Defendant est summon, lou il ne fuit; p quel Disceit & faux Returne le Demandant ou Plaintiffe recover: donques le partie greeve avera cest Brief vers luy que recovers, & vers les Summoners, & vers le Viscount; & le Brief serra direct al Coroners de meisme le Countie, si il continue Viscount que fist le Returne.

Issint si home fait Attorney en un Action reall pors
vers

vers luy, & puis est agreee p
Covin perenter le Demaun-
dant & le dit Attorney, que
l'Attorney fayera Default,
que issint fait accordant, per
q le Tenant perde son Tfe ;
donque mesme le Tenant que
perda le Terre poit aver un
Brief de Disceit envers l'Ar-
torney.

Auxy si hōe port Action d
Trespasse vers deux auters, &
le Plaintife & un Attorney p
Covin causant deux Estran-
gers, nient parties al Bfe, a
vener en le Court, & dire q
ils sont mesm les deux Defen-
dants nosme en le Bfe, & q
ils designe mesme le hōe de-
stre leur Attorney ē cel Suit,
sur q mesme l'Attorney, cōe
Attorney al Defendāts nosm
en le Bfe, pledont al Issue, &
puis suffront l'Enquest a pas-
ser p son Default, per quel
means le Plaintife recover :
En cest case ceux q sont voy-
ermt Defendants poyēt aver
ū Bfe d *Disceit* envers mesme
le Attorney, & recuperont
leur damages. *Fitzh. Nat.*
Brev. 96.

Et sicome le Ley punie son
Officers, cōe Sergeants, Plea-
dors, Philisers, Exigēters, Ar-
tornies, & aufsjissint il reject
& dampne tous acts del pluis
grād importance, sils sont en-
terlayse ove *Disceit* & fauxi-
tie. Cōe si ū Fine soit levie p
Disceit, & cinq ans passe, p le
Statute de 4 H. 7. c. 24. tous
persons & leur droits serront

against him, and afterwards it
is agreed by *Disceit* between the
Demandant and the said Attor-
ney, that the said Attorney
shall make Default, who doth
so accordingly, whereby the Te-
nant loses his Land; then the
same Tenant that loses the
Land may have a Writ of *Disceit*
against the Attorney.

Also if a man brings an Action of Trespasse against two others, and the Plaintiff and an Attorney by *Disceit* cause two Strangers, not parties to the Writ, to come into Court, and say that they are the same two Defendants named in the Writ, and that they appoint the same man to be their Attorney in that Suit, whereupon the same Attorney, as Attorney to the Defendants named in the Writ, pleads to the Issue, and after suffers the Enquest to pass by his Default, by which means the Plaintiff recovers: In this case those that are indeed Defendants may have a Writ of *Disceit* against the same Attorney, and shall recover their damages. *Fitzh. Nat. Brev. 96.*

And as the Law punishes her Officers, as Serjeants, Pleaders, Philizers, Exigenters, Attornies, and others; so she renounces and condemns all acts of greatest importance, if they be intermixt with *Disceit* and falsehood. As if a Fine be levied by *Disceit*, and five years past; by the Statute of 4 H. 7. c. 24. all persons and their rights shall be barred

based thereby: yet for that it was by Disceit, the Fine shall be avoide. as is adjudged in *Cok. lib. 3. fol. 77.* In the same manner, if one recover Land by Disceit, the Recoverie for this shall be frustrated and made void, 3 *Ed. 3. 28.* So if a woman, that hath good cause to be endowed, will by Disceit have the Tenant to be disseised, and after recovers her Dower by a writ of Dower against the Disceisor; yet she shall be adjudged in possession against the Disseisor, but as a Disseisor, in respect of the Disceit. *Cok. lib. 5. fol. 35.*

Discent.

Discent or Descent is in two sorts, either lineal or collateral. Lineal Discent is, when a Discent is conveyed in the same Line of the whole blood; as grandfather, father, son, son's son, and so downward.

Collateral Discent is out in another branch drawn from above of the whole blood; as grandfather's brother, father's brother, and so downward.

Note, that if one die seised in fee or in tail of Land in which another hath right to enter, and that descends to his Heir, such Discent shall take away the Entry of him who hath right to enter, for that the Heir hath it by Descent from his father, and so by act of the Law; and he that hath right cannot

per ceo barre: uncore pur ceo que fuit per Disceit, le Fine serra avoide, come est adjudge en *Cok. lib. 3. fol. 77.* En mesme le manner, si un recover Terre per Disceit, le Recoverie pur ceo serra annuier & fait void, 3 *Ed. 3. 28.* Issint si feme, q ad bon cause destf endow, voile p Disceit aver l' Tenr destf disseisee, & puis recover sa Dower p Bre de Dower envers le Disceisor; uncore il serra adjudge en possession envers le Disseisee forsq come un Disseisee, en respect del Disceit. *Cok. lib. 5. fol. 35.*

Discent.

Discent est en deux sorts, ou lineal ou collateral. Lineal Discent est, qnt l' Discent est convey en mesme le Line de entire sanke; come ayel, pere, frs, frs del frs, & issint debassa.

Collateral Discent est dehors en un autre branche de hault dentier sangue; come le frere del ayel, frere del pere, & issint debassa.

Nota, que si un devie seisee en fee ou en taile d Terr en q auf ad droit de enf, & ceo descend a son Heire, tiel Discent tollera l' Entree de cestuy que droit avoit d enter, p c' que le Heire ad ceux p le Discent d son pere, & issint per act de Ley; & cestuy que droit ad ne puit
T luy

luy ouster p' entrie sur luy, m's est mise de fuer son B're, a demander le Terre solonq le nature de son Title. Veies de c' *Littl. l. 3. cap. 6. & Stat. 32 Hen. 8. cap. 33.*

Disclaimer.

Disclaimer est, lou le Seignior distreine son Tenant, & il sua Replevin, & le Seignior avowa le prisel, per reason que il tient de luy; si le Tenant dit, q' il *disclaims* de tesh de luy, cest appelle un *Disclaimer*, & si le S'nr sur ceo port Brief de Droit sur *Disclaimer*, & il soit trouve e'couter le Tenant, il p'dra le Terre. Auxy si un port un *Præcipe* vers deux auters p' Terre, & le Tenant *disclaims*, & dit que il nest de c' Tenant, ne clame rien en ceo; donques l'auter avera tout le Terre. Mes si le *Præcipe* soit envers un sole, & il *disclaims*, cōc avant est dit, le Brief abatera; uncore le Demandant poit enter en le Terre, & ceo tener en son droiturall estate, comt son Entrie ne fuit loyall.

Et apres q' le Teñt ē un *Attō* port vers luy *disclaims*, il n'avera Brief de Error en-cōnt son *Disclaimer*, s' ceo q' p' son *Disclaimer* il ad barre luy mesme del droit del Terre; car les parols del *Disclaimer* sont, *Nihil habet*,

put him out by entering upon him, but is put to sue his *Writ*, to demand the Land according to the nature of his Title. See hereof in *Littl. lib. 3. cap. 6. and Stat. 32 H. 8. cap. 33.*

Disclaimer.

Disclaimer is, where the Lord distrains his Tenant, and he sues a Replevin, and the Lord avows the taking, by reason he holds of him; if the Tenant say, that he *disclaims* to hold of him, this is called a *Disclaimer*; and if the Lord thereupon bring a *Writ* of Right sur *Disclaimer*, and it be found against the Tenant, he shall lose his Land. Also if one brings a *Præcipe* against two others for the Land, and the Tenant *disclaims*, and saith that he is not thereof Tenant, nor claims any thing therein; then the other shall have the whole Land: but if the *Præcipe* be brought against one alone, and he *disclaims*, as aforesaid, the *Writ* shall abate; yet the Demandant may enter into the Land, and hold it in his rightfull estate, though his Entry was not lawfull.

And after the Tenant in *Action* brought against him *disclaims*, he shall not have a *Writ* of Error against his own *Disclaimer*, because by it he hath barred himself of his right to the Land; for the words of the *Disclaimer* are, He hath nothings, neither

neither claims he to have in the Land, neither at the day of the bringing of the Original Writ aforesaid, &c. had or claimed, but any thing in the same Land to have he disavows and disclaims: and against this he shall not have Restitution by a writ of Error. See Cok. lib. 8. fol. 61.

So if a Lord, in case where he may, disclaims his Seigneurie in Court of Record, his Seigneurie by this is extinct, and the Tenant shall hold of the Lord next above him that so disclaimed. Litt. sect. 146.

If Lands be given to the husband and wife in tail or in fee, and the husband dies, the wife cannot devise the freehold out of her by any verbal Waiver or Disclaimer in the Countrey: as if before any Entry made by her she saith, that she altogether waives and disclaims the said Estate, and will never take nor accept thereof; yet the freehold remains in her, and she may enter when she pleases. So a Charter of Feoffment was made to four, and Seisin was delivered to three in the name of all, and after the Seisin was delivered, the fourth coming sees the Deed, and saith by word that he will have nothing of the Land, nor agree to the Deed, but disclaims: and it was adjudged, that this Disclaimer by word in the Countrey shall not devise the freehold out of him. Cok. lib. 3. fol. 26.

nec habere clamat in Terra illa, nec die impetrationis Brevis Originalis predictæ, &c. habuit sive clamavit, sed aliquid in Terra illa habere de advocat & disclamat: & encounter eo il naverat Restitution per Brief de Error. Veies Cok. lib. 8. fol. 62.

Issint si ū Sñr, en case ou il poit, disclame son Sñrie en Court de Record, son Sñrie p ceo est extinct, & le Tenàr tiendra del Sñr prochein paramount cestuy q issint disclame. Litt. sect. 146.

Si Terres sont don al barō & feme en taile ou ē fee, & le baron morust, la l' feme ne poit devise le Frank-tenement hors de luy per aucun verbal Waiver ou Disclaimer en Pais: come si devant aucun Entry fait per luy el dit, que el ousterment waive & disclame dit Estate, & ne unques voile prender ou accepter de ceo; uncof le Frank-tenement remaine en luy, & el poit en quant a luy pleist. Issint un Charter de Feoffment fuit fait a quater, & Seisin fuit deliver a trois en nosme de tous, & apres le Seisin fuit deliver, le quater veignat view le Fait, & dit p pōl que il voile aver riens del Terre, ne agreea al Fait, mes disclama: & fuit adjudge, que cest Disclaimer per parol en Pais ne devisera le Frank-tenement hors de luy. Cok. lib. 3. fol. 26.

Discontinuance.

Discontinuance est, quant un home alien a un autre Terres ou Tenements, & morust; & un autre ad droit a mesme les Terres, & ne puit enter en eux p. cause de cel Alienation; si come un Abbot alien les Terres de son Meason a un autre en fee, fee-taile, ou pur vie, ou si un hōe alien les Terres que il ad en droit sa feme, ou si Tenant en taile fait, de les Terres done a luy & a ses Hsires de son corps, asc^r Feoffmt, Don en taile, ou Leas pur vie, niē garrant p Statute 32 H. 8. p Fine ou Liverie & seisin; donq tiels Alienations sont appel *Discontinuances*, car tiels Estates passent tous foits par Liverie & seisin: En ceu cas les Successeurs del Abbe, ne la feme après le mort sa baron, ne l'issue en la taile après le mort le Tenant en la taile, & ceul en Remainder ou Reversion puis le fine del Estate-taile, ne poient entre, mes chescun de eux est mise a son Action.

Et sicōe la est *Discontinuance de Possession*, cōe est dit avant; ilint auxy la est *Discontinuance de Proceſſe ou Plea*; & cōe est quant l'instant est perde, & ne poit estre prise arēe, mes per novel Brief a comiercer le Suit a novel; car deſtre *discontinue* & deſtr mis

Discontinuance.

Discontinuance is, when a man alienates to another Lands or Tenements, and dies, and another hath right to the same Lands, and may not enter into them because of this Alienation: as if an Abbot alien the Lands of his House to another in fee, fee-tail, or for life, or if a man alien the Lands that he hath in right of his wife, or if Tenant in tail makes, of the Lands given to him and the Heirs of his body, any feoffment, Gift in tail, or Lease for life, not warranted by the Statute 32 Hen. 8. by Fine or Liberty of seisin; then such Alienations are called Discontinuances, for such Estates passe away by Liberty and seisin: In these cases the Successors of the Abbot, or the woman after the death of her husband, or the issue in tail after the death of the Tenant in tail, and they that have any Remainder or Reversion after the end of the Estate-tail, may not enter, but every of them is put to his Action.

And as there is Discontinuance of Possession, as is said before; so also is there Discontinuance of Proceſſe or Plea: and this is when the instant is lost, and may not be regained, but by a new writ to begin the Suit afresh; for to be discontinued and to be put without

without day is all one, and nothing else but finally to be dismissed the Court for that time. West part. 2. tit. Fines, sect. 115. So Crompton, in his Jurisdiccions, fol. 131. uses it in these words; If a Justice-seat be discontinued by the not coming of the Justices, the King may renew it by his Writ.

And if the Justices of any Court do not meet at the day and place appointed, then the Cause shall be discontinued unto another day; as is in Cok. lib. 1. fol. 38. So if a man hath an Action in the Court of the Marshalsea, and the King removes forth of the Vierge, the Pleas shall be discontinued, Cok. lib. 10. fol. 73.

See more hereof in Litt. lib. 3. cap. 11. and 32 H.8. cap. 28. which takes away Discontinuances by the husband seised in right of his wife.

Disgrading.

Disgrading, or Degradation, is, when a man having taken upon him a Dignity temporal or spiritual, is afterwards thereof deprived, be he Knight, Clerk, or other. Wherefore if a Clerk be delivered to his Ordinary, and cannot clear himself of the Offence whereof he is convicted by the Jury, he shall be disgraced for it; which is nothing else but the Deprivation of him from those Orders he hath taken upon him.

sans jour est tout un, & nient auterment que deffire finalement dismettre l' Court de cel instat. West part. 2. tit. Fines, sect. 115. Issint Crompton, en son Jurisdiccions, fo. 131. ceo use en ceux polx; Si un Justice-seat soit discontinuee par le nient venir des Justices, le Roy poit c' renewer par son Brief.

Auxi si les Justices de asc' Court ne viendront al jour & lieu appoint, doncque le Cause serra discontinuee tanq al aut jour; come est en Cok. lib. 1. fol. 38. Issint si home ad un Action en le Court del Marshalsea, & le Roy remove hors del Vierge, les Pleas serront discontinuee, Cok. lib. 10. fol. 73.

Veies plus de ceo en Litt. lib. 3. cap. 11. & 32 H. 8. cap. 28. que tolle Discontinuances p baron seisse en droit son feme.

Disgrading.

Disgrading est, quant un hom' ayant prise sur luy un Dignity temporal ou Ecclesiastical, est enap d' ceo deprime, soit il Chivaler, Clerk, ou aut home. Pur que si un Clerk soit deliver a son Ordinarie, & ne poit acquit luy mesme del Peche d' que il fuit convict p le Jury, il serra pur ceo disgraded; q' riens auter est fors q' le Deprivation d' luy de ceux Orders que il ad sur luy prise,

com Priesthood, Deaconship,
ou autrement. *Stamf. Pl. Co.*
fol. 130, 138.

Et en mesme le man^r la est
Disgrading un Chivaler, come
est avantdit. Veies *Stow*
Annal. pag. 685. Et est digne
l'observation, q^d p le Canon
Ley la sont deux sorts de *Dis-*
gradings; l'un summarie, p
parol sole^mn, & laut sole^mn,
per Devestant le partie dis-
grade de ceux Ornaments &
Rites que sont les Ensignes de
son Order ou Degree. Veies
4 E. 4. 19, 20.

Dismes.

D*ismes* sont les Disme
parts de ascun chose, mes
propermt de ceux choses que
encrease, queux pur le plus
part perteeign al Ministers d'
Eglise p leur maintenance;
& ils sont divides en 3 sorts,
nosmement, *Predial, Personal,*
& *mixt.* *Predial Dismes* sont
Disms q^d sont paid de choses
queux vi^et de le Terr sole^mn,
come Brees, Fene, Fruits del
arbres, & tiels semblables.

Personal Dismes sont les
Disms q^d sont paid de tiels
p^rits que veign p le Labor &
industry del pson d' un hōe;
com p Emption & Védj-
tiō, gain d Merchandise, & de
Manuel-crafts ho^ms, Labo-
rers, & tiels que labor pur sa-
lary, come Carpenters, Ma-
sons, & tiels semblables.

Mixt Dismes sūt les Disms d'

as Priesthood, Deaconship, or
otherwise. *Stamf. Pl. Cor. fo.*
130, 138.

In like manner there is *Dis-*
grading of a Knight, as is afore-
said. See *Stow Annal. pag. 685.*
And it is worthy the observati-
on, that by the Canon Law
there are two kinds of *Disgra-*
dings; the one summary, by
word onely, and the other so-
lemn, by Devesting the partie
disgraded from those Orna-
ments and Rites which are the
Ensigns of his Order or De-
gre. See 4 E. 4. 19, 20.

Tithes.

T*ithes* are the Tenth parts
of any-thing, but properly
of those things that increase,
which for the most part belong
to Ministers of the Church
for their maintenance; and
they are of three sorts, to wit,
Predial, Personal, and *mixt.* *Predial*
Tithes are *Tithes* that are
paid of things that come of the
Ground onely; as Corn,
Hay, Fruits of trees, and such
like.

Personal Tithes are *Tithes*
paid of such profits as come by
the Labour and industry of a
man's person; as by Buying
and Selling, gains of Mer-
chandise, and of Handy-
crafts men, Labourers, and
such as work for hire, as
Carpenters, Masons, and such
like.

Mixt Tithes are *Tithes* of
Calves,

Calves, Lambs, Pigs, and such like, that increase partly of the Ground they are fed upon, and partly of the keeping, industry and diligence of the owner.

Vitels, Agnes, Porcels, & tiels semblables, que encrease partment del Terre sur q̄ ils sont depasture, & partment d'l garding, industry & diligence del owner.

Disparagement.

Disparagement is a Shame, Disgrace, or Villany done by the Gardian in Chivalrie to his Ward within age, in point of his Marriage.

As when the Gardian marries his Ward within age of fourteen years, and within such time as he cannot consent to Marriage, to a Bond-woman, or to the daughter of one that dwelt in a Borough, (which is to be understood such whose fathers profess handicrafts, and those baser Arts of buying and selling to get their living) or to one that is lame, or deformed, or hath some horrible disease, as the Leprosie, French-pox, Falling-sickness, or such like; or marries him to a woman that is past Child-bearing, and others such other; then, upon complaint made by the friends of such Heir, the Lord or Gardian shall lose the Wardship, and the profits during the Sonage of the Heir, for the Disparagement done him. See Littlel. lib. 2. cap. 4.

Disparagement.

Disparagement est u Hôte, Disgrace, ou Villanie fait p le Gardein e Chivalrie a son Gard deins age, p reason de son Marriage.

Come quant le Gardein marrie son Warde deins age de xiv. ans, & deins tiel temps q̄ il ne poit consent al Marriage, al un Niese, ou al file d' un q̄ demurt en un Borough, (q̄ est destre entend tiels queux peres p̄fesse Main-crafts, & tiels baser Arts de emption & vendition p̄ gaine leur viver) ou al un que est decrepit, ou deformé, ou ayāt horrible disease, cōe le Leprosie, les Pocks de Franks, Falling-sickness, ou tiels semblables, ou marrie luy a un feme q̄ est pas l' age de Infanter, & divers tiels auls; donques, sur le complaint fait p les amies de tiel Heire, le Seignior ou Gardein perdera le Gardship, & les profits durant le Non-age de le Heire, pur le Disparagement fait a luy. Veies Littlel. lib. 2. cap. 4.

Disseisin.

D*isseisin* est, quant un home enter en ascun Terres ou Tenements lou son Entrie nest pas congeable, & ousta celuy que ad le Frank-tenement.

Disseisin sur Disseisin.

D*isseisin sur Disseisin* est, quant Disseisor est disseise per un autre.

Disseisor & Disseisee.

D*isseisor* est celuy que mist ascun home hors de son Terre sans order le Ley.

Mes le Roy ne serra dit destre un *Disseisor*; & ove ceo est un note en 1 E. 5. fol. 8. que fuit tenus, le Roy ne poit estre dit un que fist tort, car si un voet disseise un aut al oeps le Roy, lou le Roy nad droit, le Roy ne poit estre dit *Disseisor*.

Disseisee est cestuy que est mis hors d' son Terf; & si tiel *Disseisee* levie Fine del Terre de que il est disseise al un estranger, l' *Disseisor* reteina l' Terf a tous jours, car l' *Disseisee* encont son Fine demesne ne poit claime, & le Conusee ne poit en, car l' droit que le *Disseisee* ad fuit extinct p le Fine, dont l' *Disseisor* prendra advantage; & issint fuit l' opinion, Co. l. 2. fol. 56.

Disseisin.

D*isseisin* is, when a man enters into any Land or Tenements where his Entry is not lawfull, and puts him out that hath the freehold.

Disseisin upon Disseisin.

D*isseisin upon Disseisin* is, when the Disseisor is disseised by another.

Disseisor and Disseisee.

D*isseisor* is he who puts a man out of his Land without order of Law.

But the King cannot be said to be a *Disseisor*; and with this is a note in 1 E. 5. fol. 8. that it was held, the King could not be termed one that did wrong, for if one will disseise another to the use of the King, where the King hath no right, the King cannot be said a *Disseisor*.

Disseisee is he that is put out of his Land; and if such *Disseisee* levie a Fine of the Land whereof he is disseised to a stranger, the *Disseisor* shall keep the Land for ever, for the *Disseisee* against his own Fine cannot claim, and the Conusee cannot enter, for the right which the *Disseisee* had was extinct by the Fine, whereof the *Disseisor* shall take advantage: and so was the opinion, Cok. l. 2. fol. 56.

Disseisee.

Distress.

Distresse is the thing taken and distrained upon any Land for Rent behind, or other duty, or for hurt done, although the property of the thing belongs to a stranger: but if they are Beasts that belong to a stranger, it behoves that they were levant and couchant upon the same Ground, that is to say, that the Beasts have been upon the ground a certain space, that they have themselves well rested there, or else they are not distrainable for Rent or Service.

If one distrain for Rent or other thing without lawfull cause, then the party grieved shall have a Replevin, and upon Surety found to pursue his Action, shall have the Distress re-delivered. But there are divers things that are not distrainable, viz. another man's Cow in the house of a Tailor, or Cloch in the house of a Fuller, Sheerman, or Weaver, they being common Artificers, and the common presumption is, that such things belong not to the Artificers, but to other persons who put them there to be wrought.

Mutual is not distrainable, nor Corn in sheaves, unless they are in a Cart; because a Distress ought to be always of such things whereof the Sheriff may make Replevin, and de-

Distresse.

Distresse est le chose prise & distreine sur asc Terf pur Rent arere, ou pur auter dutie, ou pur tort fait, comt que le propertie de chose soit perteigne al estranger: mes si sont Avers que perteigne al estrang, il covient que ils sont levant & couchant sur messu le Terf, cest adire, que les Avers avoient este sur le tre p certain space, que ils ont eux bien repose sur la terre, ou aurerint ils ne sont distreineable pur Rent ou Service.

Si ū distreine pur Rent ou auter chose sans cause loyal, donques le partie griève avera un Replevin, & sur Suretie trove de pursuer son Action, avera le Distresse re-deliver. Mes sont divers choses que ne sont distreinable, viz. Roabe de auter home en le meason de un Taylour, ou Drape en le meason de ū Fuller, Sheerman, ou Weaver, p ceo que ils sont common Artificers, & que le common presumption est, que tiels choses ne sōt perteignont al Artificer, mes al auters persons que eux mittont la a overer.

Vianē nest pas distreineable, ne Bles en sheaves, sinō q ils sōt en un Chariot; p c'q Distresse coviēt estī tous foits de tiel chose dont l' Viscount poit faīf Replevin, & re-deliver

liver en auxy bone case q
il fuit al prisel.

Home poit distreine pur
Homage de son Tenant, p Fé-
alitie & Escuage, & auters
Services, & p Fines & A-
merciamens que sont assesse
en un Leet, mes nemy en un
Court-Baton; & p Dam-
mage-fesant, cestàcavoire,
qnt il trove les Beasts ou
biens ds auts fesant rott, ou
incumbrant son Terre. Mes
home ne poit distreine p ale
Rent, ou chose due p ascun
Terre, mes sur mesme le Terr
que est charge ovelq ceo.
Et en case lou jeo veigne a
distreiner, & laut, veyant
mon purpose, chasc les beasts,
ou port le chose dehors, al en-
tent que jeo ne prendra ceo p
un Distresse sur le Terre;
donqs jeo poy bien pursue;
& si jeo prise ceo maintenant
en l' Hault chemin, ou en aut
soile, le prisel est loyal
auxybn la come sur la Terre
charge, a quecunque la pro-
petic des biens sont.

Auxy p Fines & Amercia-
mens assesse en un Leet, un
poit roats foits prender les
biens celuy que est issint a-
merce, en quecunque soyle
que ils sont deins le Juris-
diction del Court, ut dicitur.

Et quant un ad prise un
Distresse, il covient luy de
amesn ceo al common Pound,
ou autrement il poit garder e
overt lieu, issint que il done
notice al partie, que il (si

liber again in as good case as
they were at the taking.

A man may distrain for
Homage of his Tenant, for
fealty and Escuage, and o-
ther Services, and for Fines
and Amerciements which are
assessed in a Leet, but not in a
Court-Baron; and for Dam-
mage-feasant, that is, when
he finds the Beasts or goods of
any other doing hurt, or incum-
bring his Ground. But a
man may not distrain for
any Rent, or thing due for any
Land, but upon the same Land
that is charged therewith. And
in case where I come to dis-
train, and the other, seeing my
purpose, chases the beasts or
bears the thing out, to the in-
tent that I shall not take it for
a Distress upon the Ground;
then I may well pursue; and if
I take it presently in the High-
way, or in another's ground,
the taking is lawful as well
there as upon the Land charged
to whomsoever the property of
the goods belongs.

Also for Fines and Amerci-
aments assessed in a Leet, one
may always take the goods of
him that is so amerced in whose
ground soever they be within
the Jurisdiction of the Court,
as it is said.

And when one hath taken a
Distress, it behooves him to
bring it to the common Pound,
or else he may keep it in an
open place, so that he give
notice to the party, that he (if
the

the Distresse be a quick beast) may give it food; and then if the beast die for want of food, he that was distrained shall be at the losse, and the other may distress again for the same Rent or duty. But if he carry the Distresse to an Hold, or out of the County, that the Sheriff may not make deliverance upon the Replevin; then the party (upon Return of the Sheriff) shall have a Writ of Withernam directed to the Sheriff, that he take as many beasts or as much goods of the other into his keeping, till deliverance be made of the first Distresse. And also if they be in a Forlet or Castle, the Sheriff may take with him the Power of the County, and beat down the Castle, as appears by the Statute of West. 1. c. 17. Therefore see the Statute.

District.

District is sometimes used for the Circuit or Territory within which a man may be compelled to appear, Brit. c. 120. and so also is *Districtio* in the Reg. orig. f. 6. b. Distresse in the former signification is divided first into finite and infinite. Finite is that which is limited by Law, how often it shall be made, to bring the party to trial of the Action, as once or twice, Old Nat. Brev. f. 43. Distresse infinite is without limitation untill the party comes; as against a Jury that refuses to appear

le Distresse soit vive avers) poit done a luy viand; & donques si l'avers morust p default d'viand, celui q fuit distreine serra a le pard, & donqs lauf poit distreine autrefois p m le Rent ou dutie. Mes sil amesna le Distresse a u Forlet, ou hors del Countie, q le Visc' ne poit biē faif deliverance sur Replevin; donqs le pte (sur le Return del Visc') avera u Bre d'withernam direct al Visc', q il prendra tant des avers ou tant des biens lautre en son garde, tanq il ad fait deliverance de le prim Distresse. Auxy si font en un Forlet ou Castle, le Visc' poit prendre ove luy le Power del Countie, & abaf le Castle, cōe appiert p le Statute de West. 1. c. 17. Ideo vide Statut.

Districtus.

Districtus est asc' foirs use p le Circuit ou Territorie deins quel hōe poit estī compel d'appeaf, Brit. c. 120. & issint auxy est *Districtio* ē le Reg. orig. f. 6. b. Distresse en le prim significatiō est divide primermt ē finite & infinite. Finite est c' q est limit p Ley, q tost il serra fait, a traher le pte al trial del Action, cōe u foits ou deux foits, Veil Nat. Brev. f. 43. Distresse infinite est sans limitation tanque le partie vient; come vers un Jurie que refuse d'appearer sur

sur le Certificate d'Assise, le Proces est un *Venire facias*, *Habeas corpora*, & Distresse infinite. *Veil Nat. Bre. f. 113.*

Donque il est divide en le grand Distresse, come Anno 52 H. 3. c. 7. & Fitzherbert appelle Latine *Magna Distractionem*, *Nat. Breu. 126. 4.* & un ordinarie Distresse. Un grand Distresse est ceo q est fait de tous les biens & chattels q le partie ad deins le Countie, *Brit. c. 6. f. 52.* Mes quare ou il ne soit asc' foirs tout u ove si Distresse infinite, *idem fol. 80.* ove q auxy le Statute de Marlbridge semble d'agreer, Anno 52 H. 3. c. 7, 9, & 12. Veies le *Veil Nat. Br. f. 71. b.*

upon Certificate of Assise, the Proccesse is a *Venire facias*, *Habeas corpora*, and Distresse infinite. *Old Nat. Breu. f. 113.*

Then it is divided into the grand Distresse, as Anno 52 H. 3. c. 7. which Fitzh. calls in Latine *Magnam Distractionem*, *Nat. Breu. 126. a.* and an ordinary Distresse. A grand Distresse is that which is made of all the goods and chattels which the party hath within the County, *Brit. c. 6. f. 52.* But see whether it be not sometimes all one with Distresse infinite, *idem fol. 80.* with whom also the Statute of Marlbridge seems to agree, Anno 52 H. 3. c. 7, 9, & 12. See the *Old Nat. Breu. f. 71. b.*

Distringas.

Distringas est un Bre direct al Visce, ou asc' auf Officer, luy comandant a distreyne u p u Det al Roy, &c. ou p son appareance al u jour. Veies le grand diversite de cest Bre e le Table del Reg. judic. verbo Distringas.

Distringas.

Distringas is a writ directed to the Sheriff, or any other Officer, commanding him to distrain for a Debt to the King, &c. or for his appearing at a day. See the great diversity of this writ in the Table of the Reg. judic. verbo Distringas.

Dividend.

Dividend est u parol use en le Stat. de Roteland, Anno 10 E. 1. ou il semble signifier un part d'un Indenture. Veies Anno 28 ejusdem, Stat. 3. c. 2.

Dividend.

Dividend is a word used in the Statute of Rutland, Anno 10 E. 1. where it seems to signifie one part of an Indenture. See Anno 28 ejusdem, Stat. 3. c. 2.

Divorce.

Divorce. *See* Devorce.

Divorce.

Divorce. *Veies* Devorce.

Docket.

Docket is a Little piece of Paper or Parchment written that contains in it the effect of a Greater Writing. *See* the Statute 2 & 3 P. & M. c. 6. *M. West, part 2. tit. Fines, sect. 106.* calls it Dogger.

Docket.

Docket est ū Petit quantité d' Papier ou Parchment escript, & contien en luy l'effect de plus Grand Escrip. *Veies* le Stat. d' 2 & 3 P. & M. c. 6. *M. West, part. 2. tit. Fines, sect. 106.* appelle ceo Dogger.

Dog-draw.

Dog-draw is an apparant Deprehension of an offender against Venison in the Forest. There are four kinds of them observed by Manwood, part 2. c. 18. num. 9. of his Forest Laws, that is, Dog-draw, Stable-stand, Back-bear, and Bloudy-hand. Dog-draw is, when one is found waiting after a Deer by the sent of a Hound led in his hand.

Dog-draw.

Dog-draw est ū manifest Deprehension d'un offend envers Venison en le Forrest. La sont quater sorts de ceux nore p *Manwood, part. 2. c. 18. num. 9.* de ses Forrest Leys, cest-ascavoir, Dog-draw, Stable-stand, Back-bear, & Bloudy-hand. Dog-draw est, quār ū est trove trahāt aps ū Dame p le sent d'un Brache tient en son maine.

Dogger.

Dogger is a kind of Ship. Anno 31 E. 3. Stat. 3. c. 1. Dogger-fish, *ibid.* c. 2. seems to be fish brought in those Ships to Blackney Haven, &c. Doggermen, Anno 2 H. 8. c. 4.

Dogger.

Dogger est ū sort d'Niese, Anno 31 E. 3. Stat. 3. c. 1. Dogger-fish, *ibid.* c. 2. semble destre Pissons port en ceux Nieses al Blackney Haven, &c. Doggermen, Anno 2 H. 8. c. 4.

Dole-fish.

Dole-fish seems to be those fishes which the Fisher-

Dole-fish.

Dole-fish sēble destre ceux Pissons que les Fisher-hōes

hōes annualmēt employ en le North mere & custome recei-
vont p̄ leur allowance. Veies
le Statute Anno 35 H.8.c.7.

men yearly employed in the North seas do of custom receive
for their allowance. See the
Statute Anno 35 H.8.c.7.

Domo reparanda.

Domo reparanda.

Domo reparanda est un Brief q̄ gift p̄ un envers son vicine, p̄ le chier d̄ quel Meafon il suppose ascun leid voile happer a son meafon de mefme. Reg. orig. fol. 123.

Domo reparanda is a writ that lies for one against his neighbour by the fall of whose house he fears some hurt will come to his own. Reg. orig. f. 123.

Donative.

Donative.

Donative est un Benefice merement done & collate p̄ le Patron a un home, sans ou Presentation al Ordinaire, ou Institution per l' Ordinaire, ou Induction per son commandment, F. N. B. 35.c. Veies le Statute de 8 R. 2.c.4. Peter Gregor. de Beneficiis, c. 11. num. 1. ad ceux parols: Si tamen Capelle fundata per Laicos non fuerint à Diocessano approbate, & ut loquantur, spiritualizate, non censentur Beneficia, nec ab Episcopo conferri possunt, sed sunt sup̄ia dispositione Fundatoris. Pur q̄ les Founders & leur heirs poient doner tiels Chappels, s'ils voilont, sans le livequer.

M. Gwyn, en le Preface a ses Lectures, dit, Que le Roy puit de veil temps founder un frank Chappel, & ceo exempt del Jurisdiction del Diocesan: Issint auxy il puit

Donative is a Benefice merely given and collated by the Patron to a man, without either Presentation to the Ordinary, or Institution by the Ordinary, or Induction by his commandment, F. N. B. 35.c. See the Statute of 8 R. 2. c. 4. Peter Gregory de Beneficiis, c. 11. num. 1. hath these words: But if Chappels founded by Laymen were not approved of by the Diocesan, and, as they term it, spiritualized, they are not accounted Benefices, neither can they be conferred by the Bishop, but remain to the pious disposition of the Founders. Wherefore the Founders and their heirs may give such Chappels if they will, without the Bishop.

M. Gwyn, in the Preface to his Readings, saith, That the King might of ancient time found a free Chappel, and exempt it from the Jurisdiction of the Diocesan: So also he may

by his Letters Patents give licence to a common person to found such a Chappel, and to maintain that it shall be Donative, and not presentable, and that the Chaplain shall be deprivable by the founder or his heir, and not by the Bishop: and this seems to be the original of Donatives in England. Fitzherbert saith, fol. 33. c. that there are some Chauntries which a man may give by his Letters Patents.

And all Bishopricks were of the foundation of the Kings of England, and therefore in the ancient time they were Donative, and given by the Kings; yet now the Bishopricks are become, by the Grants of the Kings, eligible by their Chapter. Coke, 1. 3. f. 76.

Donor and Donee.

Donor is he who gives Lands or Tenements to another in tail; and he to whom the same is given is called Donee.

Doom.

Doom (from the Saxon Dom) signifies Judgment; a word much used in References to Arbitrators.

Dooms-day.

Dooms-day is a Book that was written in the time of S. Edward the Confessor, as the

p ses Lettres Patents donner congee a un common pson de founder tiel Chappel, & de ordeigner q il sera Donative, & nient presentable, & q le Chapleine sera deprivable p le Founder & ses heir, & nemy p l' Evesque; & ceo semble estre le original de Donatives en Angleterre. Fitzherbert dit, fol. 33. c. que la sont aucuns Chauntries q hoe poit donner p ses Lettres Patents.

Et rours Evesqueries fueront del Foundation d' Roys d' Angleterre, & p ceo en ancient temps ils fueront Donative, & dones p les Roys; uncore james l' Evesqueries sont deveigne, p les Grants del Roys, eligible per leur Chapter. Coke, 1. 3. f. 76.

Donor & Donee.

Donor est celuy q done Tfes ou Tenements al aut en taile; & celuy a q il est done est appel le Douee.

Doom.

Doom (del Saxon Dom) signifie Judgment; un parol mult use en References al Arbitrateurs.

Dooms-day.

Dooms-day est un Livre q fuit escrie e le temps de S. Edward le Confessor, cõe l' Au.

Auteur de Veil Nat. Brev. dit, fol. 15. & devāt ē le ticle *Anticet demesne*, conteinant ē ceo non solement tous les Ttes p' Angleterre, mes aux tous les nosmes d' ceux ē queux mains ils fueront a cel temps quant le Livre fuit fait. Lambert p- va q' cest Livre fuit fait en le temps de Gulielme le Conqueror, ove q' Cambden en son Britan. pag. 94. agreea, ceo p- vāt hors d' Ingulphus q' flourie mesme le temps, q' touchant les contents d' ceo ad ceux parolx: *Totam Terram descripsit, nec erat Hida in tota Angliā, quin Valorem ejus & Possessorem scivit, nec Lacus nec locus aliquis quin in Regis Rotulo esset descriptus, ac ejus Reditus & Proventus, ipsa Possessio & ejus Possessor Regiæ notitiæ manifestatus, juxta Taxatorū fidē, qui electi de qualibet Patria territorium propriū describebant. Iste Rotulus vocat' est Rotulus Wintoniæ; & ab Anglis, pro sua generalitate, quod omnia Tementa totius Terræ continuit, Doooms-day cognominatur. Et cest Livre est asc' foits appel Liber Judicatorius, quia in eo Regni Descriptio diligens continetur, & tam de tempore Regis Edwardi, quā de tempore Regis Gulielmi, sub quo factus est, singularum fundorum valentia cōprimitur.*

Devi I

Author of Old Nat. Brev. saith, fol. 15. and before in the title of Ancient Demesne, containing in it not onely all the Lands throught England, but also all the names of those in whose hands they were at that time when the Book was made. Lambert probes that this Book was made in the time of William the Conquerour, with whom Cambden in his Britan. pag. 94. agrees, probing it out of Ingulphus that flourished the same time, who touching the contents thereof hath these words: It describes the whole Land; neither was there one Hide in all England whose Value and Possessour was unknown, nor any Pool or place not described in the King's Roll, and the Rent, Profits, Possession it self and Possessor not made known to the King, according to the fidelity of the Taxers, who described the same Country wherein they were elected. That Roll is called *Rotulus Wintoniæ*; and by the English, for its generality, in that it contains all the Tenements contained throughout the Land, it is surnamed *Dooms-day*. And this Book is sometimes called *Liber Judicatorius*, because in it is contained a diligent Description of the Kingdom, and it expresses the value of all the ground thereof, as well in the time of King Edward, as in the time of King William, under whom it was compiled.

Dorture

Dorture.

Dorture is a common Room; place, or Chamber, where all the Religious of one Covent slept, and lay all night. Anno 25 H. 8. cap. 11.

Dorture.

Dorture est un common Roome, lieu, ou Chābre; lou tous les Religieux d'un Covent dorment, & giseront tout le nuit. An. 25 H. 8. c. 11.

Double Plea.

Double Plea is, where the Defendant or Tenant in any Action pleads a Plea in which two matters are comprehended, and each one by itself is a sufficient Bar or Answer to the Action; then such double Plea shall not be admitted for a Plea, except one depend upon another; and in such case if he may not have the last Plea without the first, then such a double Plea shall be well received.

Double Plee.

Double Plee est, lou le Defendant ou Tenāt en aucun Actiō plede un Plee ē q̄ deux matters sōt comprehendus, & chescun p̄ luy mesme est un sufficiēt Barre ou Respons al Action; donq̄s tiel double Plee nē serra admitt pur Plee, sinon que un depēd sur l'auter; & en tiel case si il ne poit aver le darraine Plee sans le primer Plee, donques tiel double Plee serra bien recev'.

Double Quarel.

Double Quarel is a Complaint made by any Clerk or other to the Archbishop of the Province against any inferior Ordinary, for delaying Justice in any Cause Ecclesiasticall, as to give sentence, or to institute a Clerk presented, or such like: the effect of which is, That the Archbishop, taking knowledge of such Delay, direct his Letters under his authentical Seal to all and singular Clerks of his Province; thereby commanding

Double Quarel, ou Querele.

Double Quarel est ū Complaint fait p̄ asc' Clerk ou aut al Archevesq̄ del Province evers asc' inferiour Ordinarie, p̄ delaier d' Justice ē asc' Cause Ecclesiasticall, cōc̄ a doner sentēce, ou d'instituē un Clerk presentus, ou tiels semblables: l'effect de q̄ est, q̄ l' Archevesque, prenant conusance de tiel Delay, direct ses Letters south son Seale authentiq̄ a tout & singular Clerks de sō Province, per ceō eux commandant

& donant eux autoritie & chesc' d'eux, de admonisher le dit Ordinarie deins neuze jours a faiz le Justice demad, ou auterint de citer luy d'apparear devant luy ou son Official al un jour en les dits Letters prefixe, & la d'alledger le meistre d'so Delay; & dernièrement de intimañ al dit Ordinarie, que sil ne performa pas le chose enjoyñ, ne apparust al jour assigne, il luy mesme sans auter Delay procederoit de performer le Justice require. Et ceo semble destre terme un *Double Querelle*, par ceo que est plus communement fait envers le Judge, & celuy a que petition Justice est delay.

Dower.

D*ower*, per le Ley del Realme, est un Portion que Feme ad del Terres del baron, quel p Common Ley est le tierce part; mes p assignement del baron p assent son pere al huis del Eglise, poit aver tant del Terre son pere come est issint assigne; & issint del assignement son baron de part son Terre demesue. Et *Dower*, per Custome d'ascun lieux, est de aver le moietie del Terre le baron. *Dower* est anxy un Brief que gist lou home est sole seise, durant le Coverture perenter luy &

and gibing authority to them and every of them, to admonish the said Ordinary within nine days to doe the Justice required; or otherwise to cite him to appear before him or his Official at a day in the said Letters prefixed, and there to alledge the cause of his Delay; and lastly, to intimate to the said Ordinary, that if he performs not the thinginjoynd, nor appears at the day assigned, he himself without other Delay will proceed to perform the Justice required. And it seems to be called a Double Quarrel, because it is most commonly made against the Judge, and him at whose request Justice is delayed.

Dower.

D*ower*, by the Law of the Realm, is a Portion which a Widow hath of the Lands of her husband, which by the Common Law is the third part; but by her husband's assignment by his father's assent at the Church-door, she may have so much of his father's Land as is so assigned, and so of the husband's assignment of part of his own Land. And *Dower*, by the Custome of some places, is to have half the husband's Land. *Dower* is also a writ that lies where a man is sole seised, during the Coverture between him and his

his wife, of Lands or Tenements in Fee-simple or Fee-tail: where by possibility the issue between them may inherit; if such a man die, his wife shall recover the third part of all the Lands wherof the husband was sole seised any time during the Coverture: by a Writ of Dower unde nihil habet, though he died not seised: and though he made Alienation thereof in his life.

But if a man, before the Statute of Uses, 27 H.8. had Lands in which another man or other men were seised to his use always during the Coverture, and he to whose use they were seised died before the said Statute, his wife should not be endowed.

And if before the said Statute two men were seised of Lands to the use of one of them, and he to whose use, &c. died before the said Statute, his wife should not be endowed. Also if a woman bring a Writ of Dower: she should recover Damages for the profit run after the death of her husband, if he died seised thereof: but if any Alienation of Estate were made during the Coverture, so that the husband died not seised; then though she should recover the Land, yet no Damages.

Also there is another Writ of Dower called a Writ of Right of Dower, which lies where a woman hath recovered part

la feme, de Terres ou Tenements en Fee-simple ou Fee-taille, l'ou p. possibilitie le issue en eulx poyet enheriter; si tel home devie, la feme recouvrera le tierce part de tous les Terres dont le baron fuit sole seisie ascun temps durant le Coverture, per Brief de Dower unde nihil habet, mesque il ne morust seisie, & mesque il ad fait Alienation d'iceo en sa vie.

Mes si home, devant le Statute de Uses, 27 H.8. ad Terres en queux auter hōe ou auters homes fueront seisies a son oeps tous soits durant le Coverture, & cestuy a q oeps ils fueront seisies devie devant le dit Statute, la feme ne ferroit endow.

Et auxy si devant le dit Statute deux homes sont seisies de Terres al oeps de un d'eux, & cestuy a que oeps, &c. devie devant le dit Statute, la feme ne serra endowe. Auxy si feme port Brief de Dower, el recouvrera Damages pur le profit incurrus apres le mort la baron, sil morust de ceo seisie: mes si ascun Alienation ou Estate soit fait durant le Coverture, issint que le baron ne morust seisie; donq mesq el recouvrera la Terre, uncore el ne recouvrera Damages.

Auxy il est un auter Brief de Dower appel Brief de Droit de Dower, que gist iou feme ad recover part

de sa Dower en mesme le Ville, & autre part el est a recover. Mes en divers cascs feme n'averá Dower ; si come le baron fait Treason, pur que il est ataint, donque sa feme n'averá Dower.

Et si el elope de sa baron ovesque un autre home in Adoutry, & si el ne soit reconcile a son baron de son bone volunt sans coercion del Esglise, el ne serra endow. Veies Litt. li. 1. ca. 4.

Et nota, que lou per Civil Ley Dower est ceo que le baron eyt ove sa feme pur le Marriage, de maintenir leur joyned estate ; p les Leyes del Realm per le parol (Dower) est intende le Portion que le feme puis le mort del baron averá pur sa viver.

Dozeine.

DOzeine. Veies Deciners.

Drie Exchange.

DRie Exchange (An. 3 H. 7. ca. 5.) semble estre un subtile terme invente a disguiser Usury, en quel quelque chose est pretendu a passer en ambideux pries, lou en veritie rien passa sur l'un partie.

of her Dower in one Town, and the other part she is to recover. But in divers cases a woman shall not have Dower ; as if the husband commit Treason, for which he is atainted, then his wife shall have no Dower.

And if she elope from her husband with another man in Adultery, and be not reconciled to him of her own will without coercion of the Church, she shall not be endowed. See Litt. li. 1. ca. 4.

And note, where in the Civil Law Dower is that which the husband hath with his wife in Marriage, to maintain the married estate ; by the Laws of this Realm the word (Dower) signifies such Portion as the wife after her husband's death shall have to live on.

Dozeine.

DOzeine. See Deciners.

Drie Exchange.

DRie Exchange (Ann. 3 H. 7. cap. 5.) seems to be a subtile term, invented to disguise Usury, in which something is pretended to pass on both sides, whereas in truth nothing passes on the one side.

Drift of the Forrest.

DRift of the Forrest is nothing else but an exact View or Examination taken once, twice, or oftener in a year, as occasion shall require, what Beasts there are in the Forrest, to the end that the Common in the Forrest be not over-charged, that the Beasts of Forreiners that have no Common there be not permitted, and that Beasts not commonable may be put out. See for this the Statute of 31 H. 8. cap. 35. and Manwood's Forrest Laws, cap. 15.

Right.

Right is, where one hath a Thing that was taken from another wrongfully, as by Disseisin, Discontinuance, or such like; the Challenge or Claim of him that ought to have it is called Right.

If a woman release all her Right to him in Reversion, her Dower is extinct; for when the Right, which is the foundation and principal, is released, by consequence the Action, which is but the means to recover, is also released. By Release of all Title to the Land all his Right is extinct. So when a man hath Title either by Condition, or by Alienation in Mortmain, the Release of all his Right

Drift del Forrest.

DRift del Forrest nest riens forsque un exact View & Examination prise un foits, deux foits, ou plus foits en un an, come occasion require, queux Avers sont deins le Forrest, al intent que le Common en le Forrest ne soit surcharge, que les Avers des Forreiners ne sont permis de commoner la, & que Avers que ne sōt comonables poient estre expell'. Veies p^r c^t l^r Statute 32 H. 8. ca. 35. & Manwood's Forrest Leyes, c. 15.

Droit.

Droit est, l'on un ad chose que fuit tolle d' auter p^r tort, come per Disseisin, Discontinuance, ou tiels semblables; le Challenge ou Clajme de luy que doit aver est eme Droit.

Si feme release tout sa Droit a cestuy en Reversion, sa Dower est extinct; car quant le Droit, que est le foundation & le principal, est release, p^r consequence l^r Action, que nest forsque le meane a recover deo, est auxy release. Per Release de tout Title al Terf tout sont Droit est extinct. Issint quant home ad Title ou per Condition, ou p^r Alienation en Mortmain, le Release de tout son Droit

extinctera cest Title. *Cok. lib.*
8. fol. 151, 153.

shall extinguish this Title.
Coke lib. 8. fol. 151, 153.

Droit d' Entrie.

D*roit d' Entrie* est, quant un seigneur de Terre en fee est de ces disseisiné; ore le Disseisee ad *Droit d' entre* en le Terre, & poit qnt il voile, ou il poit aver Brief de *Droit* envers le Disseisor.

Duces tecum.

D*uces tecum* est un Brief hors del Chancery, commandant home pur appare la, & de porter ove luy ascun piece d' Evidence, ou auter chose que le Court voiloit veier.

Dum fuit infra etatem.

D*um fuit infra etatem* est un Brief q gist l'ou Enfant alien son Terre en Fee simple, ou pur terme de vie; quant il vient a son pleine age il avera cest Brief, ou il puit ent fil voile, mes il covient que il soit de pleine age jour de son Brief purchase. Auxy si Enfant alien son Terre, & devie, son issue a son pleine age avera cest Brief, ou puit enter; mes le issue n'avera cest Brief deins son age.

Right of Entrie.

Right of *Entrie* is, when one seised of Land in fee is thereof disseised; now the Disseisee hath Right to enter into the Land, and may so doe when he will, or else may have a Writ of Right against the Disseisor.

Duces tecum.

D*uces tecum* is a Writ out of the Chancery, commanding a man to appear there, and to bring with him some piece of Evidence, or other thing that the Court would have a sight of.

Dum fuit infra etatem.

D*um fuit infra etatem* is a Writ that lies where an Infant alienes his Land in Fee simple; or for term of life; when he comes to his full age he shall have this Writ, or he may enter if he will, but he must be of full age the day of his Writ brought. Also if an Infant aliene his Land, and die, his issue at his full age shall have this Writ, or he may enter; but the issue shall not have this Writ within his age.

*Dum non fuit compos
mentis.*

Dum non fuit compos mentis is a Writ that lies when a man that is out of his wit, viz. Mad or Lunatick, aliens his Land in Fee-simple, and dies; then his Heir after his decease shall have this Writ, but he himself shall not have it, for that a man shall not be received to disable himself. Also this Writ may be made in the Per, Cui, and Post.

Duplicat.

Duplicat is a Second Letters Patents granted by the Lord Chancellour, in case where he hath granted the same before; and therefore they are held void by Crompton in his Jur. of Courts, fol. 215.

Dureffe.

Dureffe is, where one is kept in Prison, or restrained from his Liberty, contrary to the order of Law, or threatened to be killed, maimed, or greatly beaten: and if such person so in Prison, or in fear of such Threatnings, make any Specialty or Obligation by reason of such Imprisonment, such a Deed is void in Law; and in an Action brought upon such a Specialty, he may say,

*Dum non fuit compos
mentis.*

Dum non fuit compos mentis est un Brief q̄ gist lou home que est hors de son bone memory, cest adire, Insane ou Lunatick, alien ses Terres en Fee-simple, & devie; donques son Heire aps son decease avera cest Bfe, mes il n̄ navera cest Bfe, p̄ c' q̄ home ne serra recevoir a disable luy-mesme. Auxy cest Brief puit estre fait en le Per, Cui, & Post.

Duplicat.

Duplicat est un Second Letters Patents grantus per le Sñr Chancellor, en case lou il ad grant le mesme devant; & pur ceo sont tenus voyds per Crompton en son Jur. des Courts, fo. 215.

Dureffe.

Dureffe est, lou un home est garde en Prison, ou restraine d' son Liberty, contraire al order d' Ley, ou menasse destre occide, mayheme, ou grandement batue: & si tiel pson isint en Prison, ou pavor pur tiel Menasse, fait ase' Especialty ou Obligatiō p̄ reason de tiel Imprisonm̄t, tiel Fait est void en le Ley; & en Action port sur tiel Especialty poit dire,

q̄ il fuit fait p̄ Dureſſe de ſon Imprifonment. Mes ſi hōe ſoit arreſt ſur aſc' Action al Suit d'un auter, meſque le cauſe del Action ne ſoit bone ne voier, ſil fait aſc' Obligation a un Eſtraunge eſteant e priſon p̄ tiel Arreſt, uncore il ne ſerra dit per Dureſſe. Mes ſil fait Obligation a luy a q̄ Suit il fuit arreſt, deſtre diſcharge de tiel Imprifonment, donques il ſerra dit Dureſſe.

it was made by Dureſſe of Imprifonment. But if a man be arreſted upon an Action at the Suit of another, though the cauſe of Action be not good nor true, if he make an Obligation to a Stranger being in priſon by ſuch Arreſt, yet it ſhall not be ſaid by Dureſſe. But if he make an Obligation to him at whole Suit he was arreſted, to be diſcharged of ſuch Imprifonment, then it ſhall be ſaid Dureſſe.

E

Ealderman.

E Alderman enter les Saxons fuiſt tant cōe Count enſ les Danes, Camb. Brit. p. 107. Et a ceſt jour nous appellomus ceux Aldermen, q̄ ſont Associates al prim Officer en le Common Council del Ville, 24 H. 8. c. 13. Et en aſc' lieux le prim Officer luy m̄ eſt appel Alderman.

Earle.

E Arle. Veies Countee.

Eaſement.

E Eaſement eſt ū Immunitie q̄ ū vicine ad d'un auter, per Charter ou Preſcription, ſans pfit; come un Voy ou ū Chaneſ p̄ ſon Tfe, ou tiels ſemblables. Kitch. f. 105.

E.

Ealderman.

E Alderman among the Saxons was as much as Earl among the Danes, Camb. Brit. p. 107. And at this day we call them Aldermen, who are Associates to the chief Officer in the Common Council of the Town, 24 H. 8. c. 13. And in ſome places the chief Officer himſelf is called Alderman.

Earle.

E Arle. See Countee.

Eaſement.

E Eaſement is a Privilege that one neighbour hath of another, by Writing or Preſcription, without profit; as a way or a Sink through his Land, or ſuch like. Kitch. f. 105.

Egyptians.

Egyptians, commonly called Gypsies, are counterfeit Rogues, Welsh or English, that disguise themselves in speech and apparel, and wander up and down the Country, pretending to have skill in telling fortunes, and so deceive the common people, but live chiefly by fleching and stealing; and therefore the Statutes of 1 & 2 Mar. c. 4. & 5 Eliz. c. 20. were made to punish such as fellows, if they departed not the Realm, or continued so a month.

Ejectione Firmæ.

Ejectione Firmæ. Look for that in the Title Quare ejecit infra terminum.

Ejectment de Gard.

Ejectment de Gard. See that in the Title Gards.

Eigne.

Eigne is a French word, and signifies the Eldest or first-born. See Enitia pars.

Einecia.

Einecia signifies Eldership. Stat. of Ireland, Anno 14 H. 3. See Enitia pars.

Egyptians.

Egyptians, vulgariè vocati Gypsies, sont counterfeit Vagabonds, wallois ou Anglois, q̄ eux mesmes disguise e roabes & language, & vague-rôt p le Pais, prétendant daver science e Palmestry, & issint deceive le vulgar, mes vivent principalmt p embler & embeasiler des biens; & p ceo l' Statutes 1 & 2 Mar. c. 4. & 5 Eliz. c. 20. fueront faits p le punishmt de tiels psons cõe Felons, s'ils ne departront le Realme, ou issint continue p un mois.

Ejectione Firmæ.

Ejectione Firmæ. Vide de ceo e le Title Quare ejecit infra Terminum.

Ejectment de Gard.

Ejectment de Gard. Veies d ceo e le Title Gards.

Eigne.

Eigne est u parol Francois, & signifie l' Eldest ou Prim nec. Veies Enitia pars.

Einecia.

Einecia signifie Primogeniture ou Eldership, Stat. d' Hibern. An. 14 H. 3. Veies Enitia pars.

Eire

Eire Justices.

E*ire Justices*, ou *Itinerant*, *Ecōe* nous appel' eux, fuc-
ront Justices q' use d'equitate
de lieu al lieu per tout le
Realm, p' administer Justice.

Et ceux Justices avoyent
authoritie en ancien temps a
granter Tfe que fuit seisie p'
le Roy pur Alienation sans
Licence; car adonq's Justices
ē *Eire* puiffoyent aver graunt
tiel Tfe ē fee, rendant Rent,
cōe Justices del Forrest (q' ē
effect, quant a cest purpose,
sont Justices en *Eire*) a cest
jour poyent de Tfes enclose
deins un Forrest, sans congee
le Roy. *Coke*, l. 2. f. 80.

Eire Justices.

E*ire Justices*, or *Itinerant*, as
we call them, were Justices
that used to ride from place to
place throughout the Realm, to
administer Justice.

And these Justices had au-
thority in ancient times to
grant Land that was seised for
the King for Alienation with-
out licence; for then Justices in
Eire might have granted such
Land in fee, rendering Rent, as
Justices of the Forrest (who in
effect, as to this purpose, are
Justices in *Eire*) at this day
may of Lands inclosed within a
Forrest, without the King's li-
cence. *Coke*, l. 2. f. 80.

Election.

E*lection* est, quant hōe est
laïse a son Frank arbi-
rerint demesne, de pnder ou
faire un chose ou auter, q' il
voile: Come si A covenant d'
payer al B un liver de Pèpper
ou Saffron devant Pentecost,
est al *Election* de A tout
temps devant Pentecost, q' de
eux il voile payer; mes sil ne
ceo paya devant le dit Feast,
donq' enapres est al *Election*
de B p' aver son Action p' quel
a luy pleist. *Dyer*, f. 18. pl. 104.

Iffint si hōe done a un aũ
son Chival ou Vache, le Do-
nee poit pnder l'un ou l'aũ
a son *Election*: Mes si fuit q'
il *donera*, en le future temps,

Election.

E*lection* is, when a man is
left to his own free will, to
take or doe one thing or another,
which he pleases: As if A cove-
nants to pay B a pound of pep-
per or Saffron before Whitson-
tide, it is at the *Election* of A at
all times before Whitson-tide,
which of them he will pay; but
if he pays it not before the said
feast, then afterward it is at
the *Election* of B to have his
Action for which he pleases.
Dyer, f. 18. pl. 104.

So if a man gives to another
his Horse or Cow, the Donee
may take the one or the other at
his *Election*: But if it be that
he will give, in the future time,
then

then the Donee cannot take the one nor the other, for then the Election is in the Donor. 21 H. 7. 19.

Also if a Justice of Peace directs his Warrant to a Constable, to bring the party apprehended before him or another Justice, it is in the Election of the Constable to go to what Justice he pleases. Coke, l. 5. 59. And so in many other cases.

Elegit.

TO hold by Elegit is, where a man hath recovered Debt or Dammage by a Writ against another by confession or in other manner, he shall have within the year against him a Writ judicial, called Elegit, to have Execution of the half of all his Lands and Chattels, (except Oxen and Beasts of the plow) till the Debt and Damgages be wholly levied and paid him; and during this term he is Tenant by Elegit.

If he be put out within the term, he shall have Assise of Novel Disseisin, and after a Redisseisin, if need be; and this is given by the Statute of Westm. 2. c. 18.

And by the equity of the said Statute, he that hath this Estate, if he be put out, shall have Assise and Redisseisin, if need be. And also if he make his Executors, and die, and his Executors enter, and after are put out,

la le Donee ne poit prendre l'un ou l'auter, car donque l'Election est en le Donor. 21 H. 7. 19.

Aux si un Justice de Peace direct son Garrant a un Constable, damesn le prie attach devant luy ou aut Justice, est al Election del Constable d'al a quel Justice que a luy pleist, Coke, l. 5. f. 59. Et en mesme le maner est en plusors auters cases.

Elegit.

TENER per Elegit est, lou home ad recover Det ou Dammage p Bñe devers un auter p conusance, ou en aut manner, il avera deins l'an devers luy un Bñe judicial, nomme Elegit, d'aver Execution de moietie de tous ses Terres & Châtels, (except Boeufs & Avers a la carue) tanque le Det ou Damgages soyent ousterment levies ou payes a luy; & durant cest terme il est Tenant per Elegit.

Sil soit ousta deins le tme, il avera Assise d'Novel Disseisin, & apres un Redisseisin, si besoigne soit; & cest done per le Statute de Westm. 2. c. 18.

Et per l'equitie de mesme l'Statute, celuy q ad c'Estate, sil soit ousta, avera Assise & Redisseisin, si besoigne soit. Et auxy sil face ses Executors, & devie, & ses Executors entrent, & puis soyent oustes,

ils

ils averont tiel Action come luy meisme. Mes sil soit ouste, & puis fait ses Executors, & devie, ses Executors puront enter; & sils soient estoppes de leur Entrie, ils averont ū Bfe de Trespas sur leur Case.

Sil face Waste en tout le Tfe, ou ē parcel, l'auter avera envers luy maintenant ū Bfe judicial hors d' le primer Record, appelle *Venire facias ad computandum*, per force d' quel serra inquisite sil ad levie tous les deniers, ou parcel; & sil nad levie les deniers, donques serra inquisite a quant le Waste amount; & si le Waste amount sinon a parcel, donques tants des deniers que le Waste amounte serra abridge de les suisdits deniers queux fueront destre levies. Mes sil ad fait plus Waste q' l' avantdit somme d' argent que fuit a estre levie amount, l'auter serra discharge maintenant de tous les deniers suisdits, & recouvrera le Terre. Et p' la superfluitie d' Waste fait ouster le dit somme, il recouvrera ses dammages single. Mesme le Ley est de les Executors, & de cestuy q' ad son Estate.

Sil alien ē fee, ou a fme de vie, ou ē taile, tout le Tfe ou parcel de le Tfe q' il tient p' *Elegit*, si l' Alienatio soit fait deins le terme ou aps, cestuy que ad droit avera vers luy un Assise de *Novel Disseisin*.

they shall have such Action as he himself. And if he be put out, and after make his Executors, and die, his Executors may enter; and if they be stopped of their Entry, they shall have a Writ of Trespasse upon their Case.

If he doe Waste in all the Land, or parcel, the other shall have against him immediately a Writ judicial out of the first Record, called *Venire facias ad computandum*, by which it shall be enquired if he have levied all the money, or parcel; and if he have not levied the money, then it shall be enquired to how much the Waste amounts; and if the Waste amount but to parcel, then as much of the money as the Waste amounts unto shall be abridged of the aforesaid money which was to be levied. But if he have done more Waste then the foresaid summe of money which was to be levied amounts to, the other shall be discharged forthwith of all the said money, and shall recover the Land. And for the superfluity of the Waste made above the said summe, he shall recover his damages single. The same Law is of his Executors, and of him that hath his Estate.

If he alien in fee, for term of life, or in tail, all or parcel of the Land which he holds by *Elegit*, if the Alienation be made within the term or after, he who hath right shall have against him an Assise of *Novel Disseisin*.

And

And they both must be put in the Assise, the Alienor and the Alienee: and though the Alienor die presently, yet he who hath right shall have Assise against the Alienee alone, as if the Alienee had been a plain Tenant for term of years. And that is by the equity of the Statute of Westminster. 2. cap. 25. for that he hath but a Chattell in effect. And the same Law is of his Executors, and of him who hath his Estate, as is aforesaid.

In *Elegit*, if the Sherif return that the party hath nothing the day of the Recognizance made, but that he purchased Lands after the time; then the Plaintiff shall have a new writ to have Execution thereof. The same Law is of a Statute-Merchant.

After a *Fieri facias* a man may have the *Elegit*, but not contrariwise; for that the *Elegit* is of a higher nature then the *Fieri facias*.

If a man recover by a writ of Debt, and sue a *Fieri facias*, and the Sherif return that the Defendant hath nothing whercof he may satisfie the Debt to the party; then the Plaintiff shall have *Elegit*, or *Capias* sicut alias, and a Pluries. And if the Sherif return to the *Capias*, *Mitto vobis corpus*, and he have nothing whercof he may make satisfaction to the party; he shall be sent to the prison of the Fleet, and there abide untill he have made

Et covient que ils soient mis en l' Assise ambideux, auxy bien l' Alienor come l' Alienee: & non obstant que l' Alienor devie maintenant, uncore cestuy que ad droit avera vers l' Alienee sole Assise, cōe sil ust este son simple Tenant a term d' ans. Et ceo est p l'equitie del Statute de Westminster. 2. cap. 25. pur ceo q il nad forsque Chattel en effect. Et mesme l' Ley est de ses Executors, & de cestuy que ad son Estate, cōe est susdit.

En *Elegit*, si le Viscount retourne que le partie avoit riens jour de la Recognizance fait, mes que il purchase Terres puis le temps; adoncs le Plaintife avera novel Bre de aver Execution de ceo. Mesme le Ley est de un Statute-Merchant.

Après le *Fieri facias* un home poit aver le *Elegit*, mes non conf; entant que *Elegit* est d' plus hault nature que le *Fieri facias*.

Si home recover per Brieve de Det. & sue un *Fieri facias*, & le Viscount return que le Defendant nad riens dont il poit faire Gree a le partie; donques le Plaintife avera un *Elegit*, ou un *Capias sicut alias*, & *Pluries*. Et si Viscount retourne a le *Capias*, *Mitto vobis corpus*, & il nad riens dont il poit faif gree al partie; il serra maund al gaole del Fleet, & illonques demurre tanque il ad fait Gree

Greecal partie : & si le Viscount retourne *Non est inventus*, adonques issiera l' *Exigent* envers luy.

Nora, Que en Brief de Det port devers Parſon, q nad rien de Lay-Fee, & le Viscount retourne que il nad riens per que il poit estre summon; adonques le Plaintife suera Brief al Evesque, que il face vener son Clerk, & l' Evesq luy ferra vener per Sequestration del Esglise.

Et si home port Brief de Det, & recover, & face ses Executors, & devie; ils naveront Execution, non obstant que il soit deins l' an, per un *Fieri facias*.

Elopement.

Elopement est, quant sein Espouse departa de son baron ove un Adulterer, & ove l' Adulterer demurra, sans voluntarie Reconcilement a sa baron, per ceo ei perdra sa Dower, per le Statute d' *Westm. 2. cap. 34.* Sur que cest veil Verſe,

*Sponte virum mulier fugiens,
& adultera facta,
Dote sua caveat, nisi sponſo
sponte retracta.*

Emblements.

Emblements ſont les Profits de Terre q ad est ſemy; & en aſcuns caſes ceſtuy

Agreement with the party: and if the Sherif return *Non est inventus*, then there shall go forth an *Exigent* against him.

Note well, That in a Writ of Debt brought against a Parſon, who hath nothing of Lay-fee, and the Sherif returns that he may not be summoned; then shall the Plaintiff sue a Writ to the Biſhop, to cause his Clerk to come, and the Biſhop shall make him come by Sequestration of the Church.

And if a man bring a Writ of Debt, and recover, and make his Executors, and die; they shall not have Execution, notwithstanding it be within the year, by a *Fieri facias*.

Elopement.

Elopement is, when a married woman departs from her husband, and dwells with an Adulterer, for which, without voluntary reconciliation to her husband, she shall lose her Dower, by the Statute of *West. 2. cap. 34.* Whereupon is this old Verſe,

The woman that her husband leaves,
And with Adult'ry is defil'd,
Her Dower she shall want, unlesse
She first to him be reconcil'd.

Emblements.

Emblements are the Profits of the Land which have been sowed; and in some cases he who

who sowed them shall have them, and in some not: as if Tenant for life sow the Land, and afterwards die, the Executors of the Tenant for life shall have the Emblements, and not be in Reversion.

But if Tenant for years sow the Land, and before that he hath reap'd his term expires; there the Lessor or he in Reversion shall have the Emblements. If one disseises me, and cuts the Emblements growing upon the Land, and afterwards I re-enter; I shall have an Action of Trespass against him for the Emblements: but if my Disseisor makes a Feoffment in fee, or leases the Land whereof he disseised me, and the feoffee or Lessee takes the Emblements, and after I re-enter; I shall not have Trespass *Vi & armis* against them who come in by Title, but against my Disseisor. *Cok. lib. II. fo. 51.*

If a woman Copiholder, during her Widowhood, according to the Custome of the Mannor, sows the Land, and before severance of the Emblements she takes a husband; the Lord shall have the Emblements. So if a woman seised of Land during her Widowhood makes a Lease for years, and the Lessee sows the Land, and the woman takes a husband; there the Lessee shall not have the Emblements, although his Estate be determined by the act of a stranger.

And although it is com-

que ceo emblea eux avera, & en aucuns nemy: come si Tenant pur vie emblea le Terre, & apres morust, les Executors del Tenant pur vie avera les Emblements, & nemy cestuy en Reversion.

Mes si Tenant pur ans emblea le Terre, & devant que il ad sever son terme expire; ore le Lessor ou cestuy é Reversion avera les Emblements. Si un disseise moy, & succide les Emblements creffants sur le Terre, & puis jeo re-enter; jeo avera Action de Trespass vers luy pur les Emblements: mes si mon Disseisor fait Feoffement en fee, ou leffa le Terre dont il moy disseisist, & le Feoffee ou Lessee prist les Emblements, & puis jeo re-enter; jeo navera Trespass *Vi & armis* vers eux queux veignent eins per Title, mes vers mon Disseisor. *Cok. lib. II. fol. 51.*

Si fem Copiholder, *durante Viduitate sua*, solonque le Custome del Mannor, emblea le Terr, & devāt le severāce des Emblements el prist baron; le Sñr avera les Emblements. Ilint si feme seisie de Terre *durante Viduitate* fait un Lease pur ans, & le Lessee emblea le Terre, & puis la fem prist baron; ore le Lessee navera les Emblements, coment que son Estate est determinee p l'act d'un stranger.

Et niēt obstat q̄ est communē

muneint tenus ē nostī Livrs,
Que si home lessa Terres a
volunt, & puis le Lessee em-
blea le Terre, & puis le Vo-
lunt est determine, que le
Lessee avera les Emblements;
uncoī si le Lessee luy mesme
determine le Volunt devant
le severance des Bles, il na-
vera les Emblements. Veies
Cok. lib. 5. fol. 116.

*Embrasour, ou Em-
braceour.*

E*mbrasour, ou Embraceour,*
est celuy que, quant un
matē est ē triall penē prie &
prie, viēt al Barre ove un dī
pries, (ayant receive ascun
Reward pur issint faire) &
ple en le case, ou priviēt la-
bor le Jurie, ou estoia la pur
surveier ou surview eux, per
cest meanes de mitter eux en
pavor & dout del matē. Mēs
hōes erudite ē Ley poiēt p-
ler en le case p̄ leur Cliēts.

Emparance.

E*mparance* est, quāt hōe
estteant a responder al A-
tion ou Suit; pria ascun
temps de Respite, de luy
mesme adviser le meux que il
respondera: & nest aut fors q̄
Continuance del Cause al un
jour ouster.

Et coment le Plaintife
(en Banke le Roy) apres
le Barre plede, ad jour de
reply deux ou trois Termes

monly held in our *Books*
That if a man leases Lands
at will, and after the Lessee
sows the Land, and then the
Will is determined, that the
Lessee shall have the Emblea-
ments; yet if the Lessee him-
self determines the Will before
the severance of the Corn, he
shall not have the Emblea-
ments. See *Cok. lib. 5. fol. 116.*

*Embrasour, or Em-
braceour.*

E*mbrasour, or Embraceour* is
he that, when a matter is
in triall betwixen party and par-
ty, comes to the Barre with
one of the parties, (having re-
ceived some Reward so to doe)
and speaks in the case, or pri-
vily labours the Jury, or stands
there to surbey or overlook them;
thereby to put them in fear and
doubt of the matter. But per-
sons learned in the Law may
speak in the case for their Clients

Emparance.

E*mparance* is, when a man
being to answer to a Suit
or Action, desires some time of
Respite, to advise himself the
better what he shall answer;
and it is nothing else but a
Continuance of the Cause un-
till a farther day.

And though the Plaintif
(in the King's Bench) after
the Barre pleaded, hath time
to reply two or three Terms
after;

after; yet no mention shall be made in the Roll of any Empanellance or Continuance, but the Entry shall be general, and is intended to be the same Term. But it is otherwise with a Barre, for it contains the Empanellance or Continuance, and is in this manner: And now at this day, that is, Friday, &c. in the same Term, untill which day the aforesaid A had licence to imple, &c.

But there is no such Entry upon any Replication or Rejoinder. See Cok. lib. 5. fol. 75.

Brit. cap. 53. uses this word for the Conference of a Jury upon the business to them committed.

Enchefon.

Enchefon is a French word much used in our Law-Books, as in the Statute of 50 E. 3. cap. 3. and it signifies as much as the Occasion, cause, or reason for which any thing is done. So it is used by Stamford, lib. 1. cap. 12. in his description of a Deodand.

Encroachment.

Encroachment comes from the French word Accrocher, that is, to pull or draw to: And it signifies an Unlawfull gaining upon the right or possession of another. And so a Rent is said to be encroched, when the Lord by Distresse or otherwise com-

aps; uncor nul mention serra fait en le Rolle d'aucun Empanellance ou Continuance, mes l'Entry serra generalment, & ented d'estre mesme le Term. Mes autersint est de un Barre, car teo containe l'Imparlance ou Continuance, & est en tiel forme: *Et modo ad hunc diem, scilicet, diem Veneris, &c. isto eode Termino, usq; ad quem diem predictus A habuit licentiam interloquendi, &c.*

Mes nul tiel Entrée est la fait sur asc' Replication ou Rejoinder. Veies Cok. lib. 5. fol. 75.

Brit. cap. 53. usa cest pol pur le Conference d'un Jurie sur le Cause a eux commise.

Enchefon.

Enchefon est un pol Francois mult use e les Livres de nre Ley, eode e le Statute 50 E. 3. cap. 3. & signifie tant come Occasion, cause, ou reason pur que aucun chose est fait. Ilint est use p Stamford, lib. 1. cap. 12. en son description dun Deodand.

Encroachment.

Encroachment venust d'un pa-rol Francois Accrocher, id est, Apprehendere: Et signifie un Illoyal gainer sur le droit ou possession d'un aut. Et ilint un Rent est dit estre encroch, qnt le Sñr per coercion del Distresse ou autrement com-

pel le Tenant pur paier plus Rent que besoigne, ou que doit. Veies *Bucknall's Case*, 9. rep. fol. 33. Issint quant home mist son Hay ou Mure en le terre son vicine que gist prochein a luy, il est dit pur *incrocher* sur luy.

pells the Tenant to pay more Rent then he ought, or then he need. See *Bucknall's Case*, 9. rep. fol. 33. So when a man sets his Hedge or his wall too far into the land or ground of his neighbour that lies next him, he is said to *incroach* upon him.

Enditement.

Enditement venust del *Francois* *Enditer*, id est, Indicare. Et est un Bill ou Declaration en forme del Ley, exhibit p voy del Accusatiō vers hōe pur ascun Offence ou criminal ou penall, & preferre as Jurors, & per lour Verdict trove & presentus destre voyer devant un Judge ou Officer que ad poyar de punier ou certifier l' Offence.

Enditement, or Indictment.

Indictment comes of the French *Enditer*, that is, to set a man out as he is. And it is a Bill or Declaration in form of Law, exhibited by way of Accusation against one for some Offence either criminal or penal, and preferred to Jurors, and by their Verdict found and presented to be true before a Judge or Officer that hath power to punish or certifie the Offence.

Endowment.

Endowment (*Dotatio*) signifie propermt le Doner ou assurer del Dower al fēm. Mes est afeun foits use p un Metaphor pur le Mitter hors ou severance dun sufficient part ou portion al un Vicar pur son perpetuall maintenance, quant le Benefice est approprie. Et issint est use en les Statutes 15 R. 2. cap. 6. & 4 H. 4. cap. 12.

Endowment.

Endowment (*Dotatio*) signifies properly the Giving or assuring of Dower to a woman. But it is sometimes by a Metaphor used for the Setting out or severing of a sufficient part or portion to a Vicar for his perpetuall maintenance, when the Benefice is appropriated. And so it is used in the Statutes of 15 R. 2. cap. 6. and 4 H. 4. cap. 12.

Endow-

Endowment de la plus
belle part.

Endowment de la plus
belle part.

Endowment de, &c. is, when
a man dies seised of some
Lands held in Knights-ser-
vice and others in Soccage, the
widow is sped of her Dower
rather in the Soccage=Lands,
as the fairest part. Of this see
Littl. lib. 1. cap. 5.

Endowment de la, &c.
est, qñt un hōe morust
seisa de alcun Terres tien en
Chivalry & de auters ē Soc-
cage, la Vieſue est accomode
de sō Dower ē les Trs tien ē
Soccage, come le plus belle
part. Veies Littl. lib. 1. cap. 5.

Enfranchisement.

Enfranchisement.

Enfranchisement is, when a
man is incorporated into
any Society or Body politick.
Doit an Alien bozn be made
Denizon of England, he is said
to be enfranchised; and he that
is made a Citizen of London,
or other Town Corporate;
because he is made partaker
of those Liberties which belong
to the Corporation whereinto
he is enfranchised.

And when a man is enfran-
chised into a City or Borough,
he hath a Freehold in his
freedome for his life, and, with
others in their politick capaci-
ty, hath Inheritance in the
Land of the said Corporation;
wherefore the thing which shall
be the cause of his Dis-infran-
chisement ought to be an Act or
word, and not onely an Endea-
vouring or enterprising, where-
of he may repent before it be put
in execution. And what shall
be sufficient cause to dis-infran-
chise a Free-man and what not,

Enfranchisement est, quant
hōe est écorporare ē asc^o
Societie ou Corps politiq. Il-
sint si Alien nee soit fait De-
nison d' Angleterre, il est dit
estre enfranchise; & cestuy
q est fait un Citizen d Lon-
dres, ou aut Ville Corporate;
pur ceo que il est fait pñour
de ceux Franchises queux ap-
pent al Corporation en que
il est enfranchise.

Et quant home est enfran-
chise ē un Citie ou Borough,
il ad Frank-tenement en son
Freedome pur son vie, & ove
auters en leur politique ca-
pacitie, ad Enheritance en
les Terres del dit Corpora-
tion; pur que le matter que
serra cause d son Dis-infran-
chisement covient estre un
Act ou fait, & nemy Conati-
on ou enterprise, dont il poit
repent devant l' execution de
ceo. Et que serra sufficient
cause de dis-infranchiser un
Frank home, & que nemy,

veies *Cok. lib. 11. en Bagg's Case, fol. 98.*

see Cok. lib. 11. in Bagg's Case, fol. 98.

Englesherie.

Englesherie, ou Engleccerie, cest un veil parol, q̄ riens aut imply fors q̄ dest̄ un hom̄ Anglois : Car en anciē tēps, come appiert p̄ *Bracton, lib. 3. Tract. 2. cap. 15. fol. 134.* si ū hōe ad este tue ou murdre, il fuit account dest̄ *Francigena* ; quel pōl emplia chesc' Alien, jēsque *Englesherie* fuit prove, ceo est, jēs q̄ il fuit fait manifest que il fuit un home Anglois : Le commencement d̄ quel fuit tiel :

Kanutus, le Roy des *Danes*, ayant establie son Estate cy en peace, al prier de nostre Barons discharga le Terre de ses Armies, en que il reposa son greinder safetie, sur cest condition, Que les Barons voient donner consent a un Ley, Que q̄cunque tuerā un Alien, & fuit attache, & ne puit luy mesm̄ acquiter, serroit subject al Justice : Mes si le Homicide escapa, le Ville ou le home fuit occide forfeitera 66. Merques al Roy ; & si le Ville ne fuit able de ceo paier, donque le Hundred forfeitera & paiera ceo al Treasure le Roy : & ouster, Que chescun home murdre ferroit account *Francigena*, sinon que *Englesherie* fuit prove ; & coment il serroit

Englesherie.

Englesherie, oz Engleccerie, is an old word, which signifies the being an Englishman : for in ancient time, as appears by *Bracton, lib. 3. Tract. 2. cap. 15. fol. 134.* if a man had ben slain oz murdered, he was accounted to be *Francigena* ; which word implies every Alien, untill *Englesherie* were proved, that is, untill it was made manifest that he was an Englishman : The original wherof was this :

Kanutus, the Danish King, having established his Estate here in peace, at the request of our Barons discharged the Land of his Armies, wherein he reposed his greatest safety, upon this condition, That the Barons would give consent to a Law, That whosoever should kill an Alien, and was apprehended, and could not acquit himself, should be liable to Justice : But if the Manslayer escaped, the Town where the man was slain should forfeit sixty lix marks to the King ; and if the Town was not able to pay it, then the Hundred should forfeit and pay this to the King's Treasury : and farther, That every man murdered should be accounted *Francigena*, unless *Englesherie* were proved ; and how it should be proved.

proved, see Bracton in the same chap. num. 7. Also see Horn's Mirror of Justices, l. 1. cap. of the Office of Coroners, and Fleta, l. 1. c. 30. This Englesherie, for the abuses and grievances which were afterwards perceived to arise therefrom, was utterly abolished by Statute An. 14 E. 3. c. 4. See Coke, l. 7. f. 16. Calvin's Case.

preve, veies Bracton e mesme le chap. num. 7. Aux veies Horn's Mirror de Justices, l. 1. cap. del Office del Coroner, & Fleta, l. 1. c. 30. Cest Englesherie, p les abuses & torts q fueront enaps pceive a surd d ceo, fuit tout ousterint abelish p Statute Anno 14 E. 3. c. 4. Veies Coke, l. 7. f. 16. Calvin's Case.

Enheritance.

ENheritance is such Estate in Lands or Tenements, or other things, as may be inherited by the Heir; whether it be Estate in Fee-simple, or Tail, by Descend from any of his Ancestors, or by his own Purchase.

And it is divided into Enheritance Corporate, and Enheritance Incorporeate.

Enheritance Corporate are Mesuages, Lands, Meadows, Pastures, Rents, and such like, that have substance in themselves, and may continue always: And these are called Corporal things.

Enheritance Incorporeate are Advowsons, Villains, Ways, Commons, Courts, Fishings, and such like, that are or may be appendant or appurtenant to Enheritance Incorporeate.

The Eldest part.

ENitia or Einecia pars is that Part which, upon Partition among Coparceners, falls to the Eldest Sister or ancientest Co-

Enheritance.

ENheritance est tiel Estate en Ties ou Tenements, ou auts choses, q poient estre inherit p le Heir; soit ceo d'Estate e Fee-simple, ou Taile, p Descend d'asc d ses Ancest, ou p son Purchase demesne.

Et est divide en Enheritance Corporate, & Enheritance Incorporeate.

Enheritance Corporate sont Mesuages, Terres, Pres, Pastures, Rents, & tiels semblables, q ont substance en eux mesmes, & poient continuer tout temps: Et ceux sont appel choses Corporal.

Enheritance Incorporeate sont Advowsons, Villeines, Ways, Comons, Courts, Piscaries, & tiels seblables, q sot ou poiet estre appendant ou appurtenant al Enheritance Incorporeate.

Enitia pars.

ENitia aut Einecia pars est Ecco Part que, sur Partition enter Coparceners, eschue al Eigne Sœur ou tigne Co-

parcener, cōe appiert p *Littleton*, sect. 245. Et est appelle *Enitia pars* del parol *Francois* *Eigne* ou *Aisne*, id est, *Primogenitus*.

parcener, as it appears by *Littleton*, sect. 245. And it is called *Enitia pars* from the French word *Eigne* or *Aisne*, that is, the first-born.

Enquest.

Enquest est ceo Inquirie & est fait p Jurors en tous Causes civil ou criminal touchant le matter en Fait. Et riel Enquest est asc' soits *ex officio*, & ascun soits *ex preceptum*. Cest parol est use en les Statutes de 25 E. 3. c. 3. 28 E. 3. c. 13. & fere en tous Statutes queux parlent des Trials per Jurors.

Enquest.

Enquest is that Inquiry which is made by Jurors in all Causes civil or criminal touching the matter in fact. And such Inquiry is either *ex officio*, or at the mile of the parties. This word is used in the Statutes of 25 E. 3. c. 3. 28 E. 3. c. 13. and almost in all Statutes that speak of Trials by Jurors.

Entendment.

Entendment est un comōn parol en nre Ley, quant ascun chose est en aurst, donque p *Entendment* il serra ascun soits fait bone. Come si Inquisition soit trove devāt le Coroner, & un hōe fuit murder al A, & est un Franchise, & nest dit en l'Inquisition al A deins le Franchise de A, uncore ceo serra bone p *Entendment*; car padventure le Franchise pōit extend ouster le Ville, mes q le Ville mesm serra presume destre hors del Franchise del Ville, est ū captious construction: p q l'Inquisition serra bone p *Entendment*. *Coke* 3. l. 5. f. 121. *Veies Kitch* f. 224.

Entendment.

Entendment is an usual word in our Law, when a thing is in doubt, then by *Entendment* it shall sometimes be made good. As if an Inquisition be found before a Coroner, that a man was murdered at A, which is a Liberty, and it is not said in the Inquisition at A within the Liberty of A, yet it shall be good by *Entendment*; for peradventure the Liberty may extend beyond the Town, but that the Town it self shall be presumed to be out of the Liberty of the Town, is a captious construction: wherefore the Inquisition shall be good by *Entendment*. *Coke* 3. l. 5. f. 121. See *Kitch* f. 224.

Enterpleader.

ENterpleader is, when in any Cause a matter happens which of necessity ought to be discussed before the principal Cause can be determined: For example, Two persons be found Heir to Land by two several Offices in one County, by this the King is in doubt to whom he shall make Libery, for which cause, before Libery made, he will have them interplead, and thereby determine who is the right Heir. See Coke, l. 7. f. 45. Sam. Prer. c. 19. Brooke, tit. Enterpleader.

Entire Tenancie.

ENtire Tenancie is that which is contrary to Several Tenancie, and signifies a Sole possession in one man, where the other signifies Joynt or common in more. See Brooke, Several Tenancie, and the Old Book of Entries, under this Title.

Entrie.

ENtrie is, where a man enters into any Lands or Tenements, or takes possession of them.

Also there are divers Writs of Entry which are in divers manners. One is a Writ of Entre sur Disseisin, which lies where a man is disseised, he or his Heir shall have this Writ

Enterpleader.

ENterpleader est, quant en ascun Cause un chose eschia q de necessitie doit estre discusse devāt le principal Cause poit estre determine: Pur exemple, Deux p-sons sont rrove Heir al Tfe p deux several Offices en un Countie, p ceo le Roy est en auriſt a q il ferra Liverie, p quel cause, devant q Liverie soit fait, il voile eux aver enterpleader, & p ceo determine que est le droit Heir. Veies Coke, l. 7. f. 45. Stam. Prer. c. 19. Brooke, tit. Enterpleader.

Entire Tenancie.

ENtire Tenancie est ceo q est contrarie al Several Tenancie, & implie un Sole possession en un hōe, ou lauf implia Joynt ou common en plusors. Veies Brooke, Several Tenancie, & le Veil Livre de Entries, south cest Title.

Entre.

ENtre est, lou un home enter en ascun Tfes ou Tenements, ou prist possession d'eux.

Auxy sont divers Bfres d'Entre queux sont en divers manners. Un est Bfe d'Entre sur Disseisin, que gist lou home est disseise, il ou son Heir l'avant dit Brief avera

vers meisme le Disseisor, ou asc' auter apres Tenant del Terre. Et si le Disseisor alien, ou devie seisie, donques le B're d'Entre serra vers l'Heir ovesq' l'Aliencee e le Per; cest adire, e q' le Tenant non habet Ingressum nisi per tiel, nosmant le Disseisor, q' luy avoit disseisie, &c.

Si l'Heir ou Aliencee devie seisie, ou aliena al auter, donques le B're serra en le Per & Cui; cest adire, en q' le Tenant non habet Ingressum nisi per tiel (nosmant l'Heire ou l'Aliencee del Disseisor) cui tiel (nosmant le Disseisor) il dimist, q' luy p' tort disseisie, &c.

Et si T're soit convey ouster al plusors, ou si le primer Disseisor soit disseisie, doncs le B're d'Entre serra e le Post; cest adire, q' le Tenant non habet Ingressum nisi post Disseisinam, quel le prim Disseisor fait al Demandant ou son Ancestor. Veies Entre e le Per.

*Entre en le Per, Cui,
& Post.*

Brief d'Entre en le Per
B'gift hou h'oe est disseise d'
son Frank-tenement, & le
Disseisor alien, ou devie sei-
sie, & son Heire entra, don-
ques le Disseisee ou son Heir
avera le dit B're vers l'Heire
le Disseisor, ou vers l'Aliencee
le Disseisor; mes vivant le
Disseisor, il poit aver Af-

against the Disseisor, or any
other after Tenant of the Land.
And if the Disseisor alien, and
die seised, then the Writ of En-
trie shall be against the Heir and
the Aliencee in the Per; viz. in
which the Tenant hath no En-
try but by such a one, naming
the Disseisor, who him hath dis-
seised, &c.

If the Heir or Aliencee die sei-
sed, or alien to another, then the
Writ shall be in the Per and
Cui; viz. to which the Tenant
hath no Entry but by such a
one, naming the Heir or Ali-
encee of the Disseisor, to whom such
a one (naming the Disseisor)
did let it, who by force disseised
him, &c.

And if Land be conveyed over
to many, or if the first Disseisor
be disseised, then the Writ of
Entry shall be in the Post; viz.
that the Tenant hath no Entry
but after the Disseisin, which the
first Disseisor made to the De-
mandant or his Ancestor. See
Entre en le Per.

*Entrie in the Per, Cui,
and Post.*

A Writ of Entrie in the Per lies
where a man is disseised of
his freehold, and the Disseis-
or aliens, or dies seised, and his
Heir enters, then the Disseisee
or his Heir shall have the said
Writ against the Heir of the
Disseisor, or against the Aliencee
of the Disseisor; but living the
Disseisor, he may have an Af-
fir.

Me, if he will, and the Writ of Entry shall say, *In quod A non habet Ingressum nisi per B, qui illud ei dimisit, qui inde eum injuste disseisvit, &c.* But if the Disseisor alien, and the Alienee dies seised, or aliens over to another, or if the Disseisor dies, and his Heir enters, and that Heir aliens or dies, and his Heir enters; then the Disseisor or his Heir shall have a Writ of Entry sur Disseisin in the Per and Cui, and the Writ shall say, *In quod idem A non habet Ingressum nisi per B, cui C illud ei dimisit, qui inde injuste, &c.*

A Writ of Entry in the Per and Cui shall be maintainable against none, but where the Tenant is in by Purchase or Descent: For if the Alienation or Descent be put out of the Degrees, upon which no Writ may be made in the Per, or in the Per and Cui, then it shall be made in the Post, and the Writ shall say, *In quod A non habet Ingressum nisi post Disseisnam, quam B inde injuste & sine iudicio fecit præfat. N, vel M proavo N, cujus hæres ipse est.*

Also there are five things which put the Writ of Entry out of the Degrees; viz. Intrusion, Succession, Disseisin upon Disseisin, Judgment, and Escheat.

1. Intrusion is, when the Disseisor dies seised, and a stranger abates.

2. Disseisin upon Disseisin is, when the Disseisor is disseised by another.

seise, si il voile, & le Bfē d'Entre dirra, *In quod A non habet Ingressum nisi per B, qui illud ei dimisit, qui inde eum injuste disseisvit, &c.* Mes si le Disseisor alien, & l'Alienee devie seisee, ou alien ouster à un autr, ou si le Disseisor devie, & son Heire entra, & celui Heire aliena ou devie, & son Heire entra; donques le Disseisee ou son Heire avera Bfē d'Entre sur Disseisa en le Per & Cui, & le Bfē dirra, *In quod idem A non habet Ingressum nisi per B, cui C illud ei dimisit, & inde injuste, &c.*

Brief d'Entre en le Per & Cui serra maintenable vers nulluy, mes lou le Tenant soit eins p Purchase ou per Descent: Car si l'Alienation ou Descent soit devenus hors des Degrees, sur quel nul Bfē poit estre fait en le Per, ne en le Per & Cui, donques serra fait e le Post, & le Bfē dirra, *In quod A non habet Ingressum nisi post Disseisnam, quam B inde injuste & sine iudicio fecit præfat. N, vel M proavo N, cujus hæres ipse est.*

Auxy sont cinque choses q mitton le Bfē d'Entre hors des Degrees; cest adire, Intrusion, Succession, Disseisin sur Disseisin, Judgment, ou Escheat.

1. Intrusion est, quant le Disseisor devie seisee, & un estranger abata.

2. Disseisin sur Disseisin est, quant le Disseisor est disseisee p un autr.

3. Suc-

3. *Succession* est, lou le Disseisor est un home de Religion, & devie, ou est depose, & son Successor entra.

4. *Judgement* est, quant un recover vers le Disseisor.

5. *Escheat* est, quant le Disseisor devie sans Heire, ou fait Felonie, p q il est attainr, p q le Seignior entra come e son Escheat.

En tous ceux cascs le Disseisee ou son Heire navera Brief d'Entrie deins les degres e le Per, mes en le Post, p ceo q en ceux cascs ils ne sont eins per Discent, ne per Purchase.

Entre ad Communem Legem.

Auxy il y ad un Brief del *Entre ad Communem Legem*, & gist lou Tenant a fme de vie, Tenant a fme d'auter vie, Tenant p le curtesie, ou Tenant en Dower, alien & devie; celuy en le Reversion avera cest Bre devers quecunque q soit eins apres en le Tenement.

Entre en Casu proviso.

Brief d'Entrie en Casu proviso gist, si Tenant en Dower alien en fee, ou p fme de vie, ou p aut vie, vivant le Tenant en Dower; celuy en le Reversion avera cest Bre, q est purview p le Statute de *Gloc. c. 7.*

3. *Succession* is; when the Disseisor is a man of Religion, and dies, or is deposed, and his Successor enters.

4. *Judgment* is; when one recovers against the Disseisor.

5. *Escheat* is; when the Disseisor dies without Heir, or doth Felony, whereby he is attainr, by which the Lord enters as in his Escheat.

In all these cases the Disseisor or his Heir shall not have a Writ of Entrie within the degrees of the Per, but in the Post, because in those cases they are not in by Discent, nor by Purchase.

Entrie ad Communem Legem.

Also there is a Writ of Entrie ad Communem Legem, which lies where Tenant for term of life, Tenant for term of another's life, Tenant by the curtesie, or Tenant in Dower, aliens and dies; he in the Reversion shall have this Writ against whomsoever is in after in the Tenement.

Entrie in the Case provided.

A Writ of Entrie in Casu proviso lies, if Tenant in Dower alien in fee, or for term of life, or for another's life, living the Tenant in Dower; he in the Reversion shall have this Writ which is provided by the Stat. of *Gloc. c. 7.*

Entre

Entrie in Casu confi-
mili.

A Writ of Entrie in Casu confi-
mili lies where Tenant for
life or Tenant by the courtesie
aliens in fee; he in Reversion
shall have this Writ; by the
Statute of Westm. 2. c. 24.

Entrie ad terminum qui
præteriit.

THE Writ of Entrie ad termi-
num qui præteriit lies where
a man leases Land to another
for term of years, and the Te-
nant holds over his term;
the Lessor shall have this
Writ.

And if Lands be leased to
a man for term of another's
life, and he for whole life the
Lands are leased dies, and
the Lessor holds over; then the
Lessor shall have this Writ.

Entrie without Assent of
the Chapter.

A Writ of Entrie sine Assensu Ca-
pituli lies where an Abbot,
Prior, or such as hath Co-
vent or common Seal, aliens
Lands or Tenements of the
right of his Church, without
the Assent of the Covent
or Chapter, and dies; then
the Successor shall have this
Writ.

Entre in Casu con-
simili.

Brief de Entre in Casu
consimili gist, si Tenant
pur vie ou Tenant per la cur-
tesie alien en fee; celui en
le Reversion avera cest Brief
per l' Stat. de West. 2. ca. 24.

Entre ad terminum
qui præteriit.

Brief de Entre ad termi-
num qui præteriit gist, si
un home lessa Terres a
un auf pur tme d' ans, &
le Tenant tient ouster son
tme; le Lessor avera cest
Brief.

Et si Terres sont lesses a
un home pur terme d'aut vie,
& cestuy p q vie les Terres
sont lesses devie, & le Lessee
tient ouster; donques le
Lessor avera cest Brief.

Entrie sine Assensu
Capituli.

Brief de Entre sine Assensu
Capituli gist lou un
Abbe, Priour, ou tiel que ad
Covent ou common Seale, ali-
ena Terres ou Tenements
del droit de son Eglise,
sans le Assent del Covent
ou Chapter, & devie; don-
ques son Successor avera cest
Brief.

Entre causa Matrimonii præloquuti.

Entrie for Marriage
in speech.

Brief de *Entre causa Matrimonii præloquuti* gist lou Tetres ou Tenements sont done a un home sur condition, que il prendra la Donour à sa feme deins certaine temps, & il ne luy espousa deins la dit temps, ou espouse aut feme, ou luy fait Priestre, ou enter en Religion, ou luy disable issint que il ne puit luy prendre, accordant a le dit Condition; donques la feme Donour & ses Heires avera le dit Brief vers luy, ou vers q̄cun que est eins en le dit Terre. Mes cest Condition doit estre fait per Endenture, autrement cest Brief ne gist. Et tous ceux & auters Briefs d'Entre poient estre fait en le Per, Cui, & Post.

A Writ of Entrie causa Matrimonii præloquuti lies where Lands or Tenements are given to a man upon condition, that he shall take the Donor to his wife within a certain time, and he does not espouse her within the said term, or espouses another woman, or makes himself Priest, or enters in Religion, or disables himself so that he cannot take her, according to the said Condition; then the Donor and her Heirs shall have the said Writ against him, or against whosoever is in the said Land. But this Condition must be made by Indenture, otherwise this Writ doth not lie. And all these and other Writs of Entrie may be made in the Per, Cui, and Post.

Entrusion.

Entrusion.

Entursion est un Brief que gist lou Tenant s̄ vie devie seise de certaine Terres ou Tenements, & un Estrange entra; celui en la Reversion avera cest Brief vers l' Abator, ou q̄cunq̄ que soit eins apres leur Entrusion.

Auxy un Brief de *Entrusion* serra maintenable par le Successeur d' un Abbe vers l' Abator, que enter en ascun Terres ou Tenements

Entursion is a Writ that lies where a Tenant for life dies seised of certain Lands or Tenements, and a Stranger enters; he in the Reversion shall have this Writ against the Abator, or whosoever is in after their Intrusion.

Also a Writ of Entrusion shall be maintainable by the Successor of an Abbot against the Abator, who shall enter in Lands or Tenements in

in the time of Vacation that belong to the Church, by the Statute of Marlebridge, the last Chapter.

And it seems the difference between an Intruder and an Abator is this; That an Abator is he that enters into Lands void by the death of a Tenant in fee, and an Intruder is he that enters into Lands void by the death of a Tenant for life or years. See F. N. B. fol. 203.

*Tempore vacationis que ap-
pent a la Eglise, per le Sta-
tute de Marlebridge, cap. ul-
timo.*

Et il semble que le diffe-
rence perenter un *Intruder*
& un *Abator* est en ceo; Que
un *Abator* est celuy que en-
tra en Terres void per le
mort d'un Tenant en fee,
& un *Intruder* est celuy
que entra en Terres void per
le mort d'un Tenant pur vie
ou ans. Veies F.N.B. fo. 203.

Entrusion de Gard.

Entrusion de Gard.

E Ntrusion de Gard is a Writ
which lies where the Heir
within age enters in his
Lands, and holds out his
Lord; for in such case the
Lord shall not have the Writ
de communi Custodia, but this
Writ of Entrusion of the Ward.
Old N. B. fo. 90.

E Ntrusion de Gard est un
Brief que gist ou le
Heire deins age entra en ses
Terres, & tient hors son
Seignior; car en tiel case le
Seignior navera le Brief de
communi Custodia, mes cest
Brief de Entrusion d' Gard.
Veil N. B. fo. 90.

Enure.

Enure.

E Nure signifies To take
Eplace or effect, to be a-
vailable. As a Release shall
enure by way of Extinguish-
ment. Litt. Cha. Release.

E Nure signifie Prendre
Eplace ou effect, estre a-
vailable. Come un Release
enure p voy d' Extinguish-
ment. Litt. Ca. Release.

Equitie.

Equitie.

E Quitie is in two sorts, and
those of contrary effects; for
the one doth abridge and take
from the letter of the Law, the
other doth enlarge and adde
thereunto.

E Quitie est en deux ma-
ners, & ceux de contra-
rie effects; car un abridge &
tol le letter del Ley, l'
aurer enlarge, & adde a
ceo.

Le

Le primer est issint define;
Equitas est Correctio Legis
generatim lata quâ parte defi-
cit; le quel Correctiō del ge-
 neral pōls est mult use en nre
 Ley. Sicome pur exemple.
 Quant AA de Parliament est
 fait, q̄cunque q̄ fait tiel act
 serra Felon, & serra mise al
 mort; uncof si home de Non
 sane memorie ou Enfant q̄
 nad discretion le fait, ils ne
 serront Felons, ne mise al
 mort.

Auxy si Statute soit fait,
 Que tous persons que re-
 ceiveront, ou donerōt maun-
 ger ou boyer ou auz aid a ce-
 luy q̄ fairs tiel act serrōt ac-
 cessary a son Offensee, & ser-
 ront mise al mort, si ils co-
 nusteront del fact; uncof l'un
 fait tiel act, & veigne a sa
 prop seīn, q̄ sciāt ceo luy re-
 ceive, & done maunger &
 boyer a luy; el ne serra Ac-
 cessary, ne Felon; car p le ge-
 neraltie d̄ les dits parols ce-
 luy de Non sane memorie,
 Enfant, ne Feme fueront en-
 clude en Entent del Ley.

Et issint Equitie correct le
 generaltie del Ley ē ceux ca-
 ses, & les parols generals sōt
 per Equitie abridge.

Laut Equitie est defin estre
 un Extension des parols de la
 Ley al Cases non exprimez, ayāt
 neantmoins la mesme raison.
 Ainsi q̄nt les parols enact un
 chose, ils enact tous choses
 q̄ sont en semblables degrees.
 Sicō le Statute q̄ ordeigne;

The first is thus defined;
 Equitie is the Correction of a Law
 generally made in that part wherein
 it fails; which Correction of the
 general words is much used in
 our Law. As for example.
 When an Act of Parliament is
 made, that whosoever doth such
 a thing shall be a Felon, and
 shall suffer death; yet if a Mad-
 man or an Infant that hath no
 discretion doe the same, they
 shall be no Felons, nor suffer
 death therefore.

Also if a Statute were made,
 That all persons that shall re-
 ceive, or give meat and drink
 or other succor to any that shall
 doe such a thing, shall be ac-
 cessary to his Offence, and shall
 suffer death, if they knew of
 the fact; yet one doth such an
 act, and comes to his wife, who
 knowing thereof doth receive
 him, and gives him meat and
 drink, she shall not be Necessary,
 nor Felon; for by the genera-
 lity of the said words neither
 the Mad-man, Infant, nor
 wife were included in the In-
 tent of the Law.

And thus Equity doth correct
 the generalty of the Law in
 those cases, and the general
 words are by Equity abridged.

The other Equity is defined
 to be an Extension of the words
 of the Law to Cases unexpressed,
 yet having the same reason. So
 that when the words enact one
 thing, they enact all other
 things that are of like degree.
 As the Statute which ordains,
 That

That in an Action of Debt against Executors, he that doth appear by Distresse shall answer, doth extend by Equity to Administrators; for such of them as appear first by Distresse, shall answer by Equity of the said Act; because they are of the like kind.

So likewise the Statute of Gloucester gives the Action of Waste and the Penalty of it against him that holds for life or years; and by the Equity thereof a man shall have an Action of Waste against him that holds but for one year or half a year, yet this is without the words of the Statute; for he that holds but for half a year or one year, doth not hold for years; but that is the meaning, and the words that enact the one, by Equity enact the other.

Errant.

Errant, id est, Itinerans, comes from the French word Error, id est, Errare, or of the old word Erre, id est, Iter; and is appropriated unto Justices that go Circuit, and to Bailiffs at large, who are therefore called Justices Errants, and Bailiffs Errants, because they go and travel from place to place, the one to doe Justice, and the other to execute Prozesse, &c.

Que en Action de Det vers Executors, cestuy que vient per Distresse respondera, extendra per Equitie al Administrateurs; car cestuy de eux que vient primes p Distresse, respondera per Equitie del dit Act; quia sunt in equali genere.

Issint le Statute de Gloucester done l' Action de Waste & le Punishment de ceo vers cestuy que tient pur vie ou ans; & per l' Equitie de ceo home avera Action de Waste vers cestuy que tient forsque pur un an ou demy an, uncore ceo est hors del parols del Statute; car cestuy que tient forsque pur demy an ou un an, ne tient pur ans; mes ceo est l' entent, & les parols quel onact l' un, per Equitie onacteront l' autre.

Errant.

Errant, id est, Itinerans, venust del parol Francois Errer, id est, Errare, ou del vieux parol Erre, id est, Iter; & est appropriate as Justices que alont en Circuit, & as Bailies a large, q pur ceo sont appelle Justices Errants, & Bailies Errants, co q ils alont & travaillent del un lieu al autre, l' un p faire Justice, & l'autre pur executer Proecs. Veies Eire.

Error.

Error est un Fault en un Judgement, ou en le Procèsse ou Proceeding al Judgement, ou e Execution sur ceo en Court de Record; quel Fault en le Civil Ley est appel u Nullitie. Auxy Error est le nom d'un Brief, & gist lou Judgement est don e le Common Banke, ou devant Justice en Assise, ou devant Justice de Oyer, & Terminer, ou devant le Mayor ou Viscount de Londres, ou en au Court de Record, contra le Ley, ou sur undue ou male Proces; donques le prie grievé avera cel Brief, & p ceo causera le Record & Proces destr remove devant les Justices de Bank le Roy; & la sil Error soit trove, il serra reverse. Mes si erroneous Judgement soit done en Bank le Roy, donques il ne poit este reverse forsque per Parliament, tanque le Statute. 27 Eliz. cap. 8.

Auxy si tel Default soit e Judgement don e Court q n'est de Record, com en Countie, Hundred, ou Court-Baron, donque le prie avera Brief de Faux Judgement, pur faire le Record venter devant Justice de Common Bank. Auxy si Error soit trove en l'Exchequer, il serra redresse per le Chauncelor & Treasurer, ut patet p Statute Ed. 3. an. 31. c. 12. & 31 Eliz. c. 1.

Error.

Error is a Fault in a Judgement; or in the Process, or Proceeding to Judgement, or in the Execution upon the same in a Court of Record; which in the Civil Law is called a Nullitie. Error is also the name of a Writ that lies where Judgement is given in the Common place, or before the Justice in Assise, or Oyer and Terminer, or before the Mayor and Sheriffs of London, or in other Court of Record, against the Law, or upon undue or ill Process; then the party grievé shall have this Writ, and thereupon cause the Record and Process to be removed before the Justices of the King's Bench, and if the Error be found, it shall be reversed. But if an erroneous Judgement be given in the King's Bench, then it could not be reversed but by Parliament, untill the Statute of 27 Eliz. cap. 8.

Also if such a Default in Judgement be given in a Court not of Record, as in a Countie, Hundred, or Court-Baron, the party shall have a Writ of False Judgement, to cause the Record to be brought before a Justice of the Common place. Also if Error be found in the Exchequer, it shall be redressed by the Chancelor and Treasurer, as it appears by the Statute E. 3. an. 31. c. 12. & 31 Eliz. c. 1.

Escape

Escape.

Escape is, where one that is Arrested comes to his liberty before he be delivered by Award of any Justice, or by order of Law.

Escape is in two sorts; voluntary, and negligent.

Voluntary Escape is, when one doth arrest another for Felony or other crime, and after he in whose custody he is lets him go where he will.

And if the Arrest were for Felony, then shall it be Felony in him that suffered the Escape; if for Treason, then Treason in him; and if for Trespasse, then Trespasse; and so in all other.

When one is arrested, and after escapes against the will of him that did arrest him, and is not freshly pursued, and taken before the pursuer loses the sight of him; this shall be said a negligent Escape, notwithstanding that he cut of whose possession he escaped do take him after he lost sight of him. Also if one be arrested, and after escape, and is at his liberty, and he in whose ward he was take him afterwards, and bring him to the prison; yet it is an Escape in him.

If a felon be arrested by the Constable, and brought to the Gaol in the County, and the Gaoler will not receive him, and the Constable lets him go,

Escape.

Escape est, lou un q est Arrest deveigne a son liberty devant que il soit deliver p Agard de ascū Justice, ou p order de Ley.

Escape est en deux sorts; volontarie, & negligent.

Voluntarie Escape est, qāt un arrest auter pur Felonie ou auter crime, & puis celuy en que custodie il soit luy lesser aler lou il voit.

Et si l' Arrest fuit pur Felonie, ceo serra dit Felonie en cestuy q luy lesser desceper; si pur Treason, il serra Treason en luy; & si pur un Trespasse, donq Trespasse; & sic de singulis.

Quant un est arrest, & puis escape encounter le volunt de cestuy que luy arrest, & ne soit freshment pursue, & reprise devant que le pursuor perdra le view de luy; ceo serra dit negligent Escape, non obstant que cestuy hors de q possession il escape luy reprist apres le view perdu. Auxy si un soit arrest, & puis escape, & est a son libertie, & cestuy en que garde il fuit luy reprise apres, & luy amesne a le prison; uncore il est Escape en luy.

Si un Felon soit arrest per le Constable, & amesne a le Gaole en le Countie, & le Gaoler ne voit luy recevoir, & le Cōstable luy demit,

& le Gaoler auxy, & issint il escape; cest est un Escape en le Gaoler, pur ceo q̄ ē tiel case le Gaoler est tenu de luy receiver per le main del Constable, sans aucun Precept de le Justice de Peace. Mes auterint est, si un comon prison arrest auter pur suspicion de Felony, la le Gaoler n'est tenu de luy receiver sans Precept de aucun des Justices de Peace.

Il y ad un Escape auxy sans Arrest: come si Murder soit fait en le jour, & le Murderer ne soit prise, donq̄ il est Escape, pur que le Ville ou le Murder fuit fait serra amercie.

Et est destre observe, Que home poit estre dit Escaper, nient obstant q̄ il tous soit remaine en prison. Come, si home soit en prison sur deux Executions al Suit de deux severall homes, & l' ancient Viscount deliver ouster cest Prisoner al novel Viscount p Indenture, accordat al usual manner, & en le dit Indenture ne fait aucun mentio d'un des dits Executions; cest Omission serra dit un Escape ē Ley immediateme, pur q̄ le ancient Viscount respondera, nient obstant q̄ l' Execution suppart de Record, de q̄ le novel Viscount puit aver prise notice. Mes auterint est lou l' ancient Viscount morust, car en tiel case covier al novel Viscount a so peril de pceder no-

and the Gaoler also, and so he escapes; this is an Escape in the Gaoler, for that in such case the Gaoler is bound to receive him by the hand of the Constable, without any Precept of the Justice of Peace. But otherwise it is, if a common person arrest another upon suspicion of Felony, there the Gaoler is not bound to receive him without a Precept of some Justice of Peace.

There is an Escape also without Arrest: as if Murder be made in the day, and the Murderer be not taken, then it is an Escape, for which the Town where the Murder was done shall be amerced.

And it is to be observed, That a man may be said to escape, notwithstanding he always continues in prison. As, if a man be in prison upon two Executions at the Suit of two severall men, and the old Sheriff delivers over this Prisoner to the new Sheriff by Indenture according to the usual course, and in the said Indenture makes no mention of one of the said Executions; this Omission shall be said an Escape in Law instantly, for which the old Sheriff shall answer, although the Execution was matter of Record, whereof the new Sheriff might have taken notice. But otherwise it is where the old Sheriff dies, for in such case it behoves the new Sheriff at his perill to take notice

tice of all the Executions that are against any person that he finds in the Gaol: But in the Gaol, where the Sherif dies, and before another is made, one that is in Execution breaks the Gaol, and goes at large, this is no Escape; for when a Sherif dies, all the prisoners are in the custody of the Lord, until a new Sherif be made. See Coke, lib. 3. fol. 73.

If the Sherif, upon a Capias ad satisfaciendum to him directed, makes Return That he hath taken the Body, and yet hath not the Body in Court at the day of the Return; the Plaintiff may have his Action against the Sherif for the Escape, although the party so taken be in the Gaol. See 7 H. 4. 11. Br. 107.

Escheat.

Escheat is, where a Tenant in fee-simple commits Felony, for which he is hanged, or abjured the Realm, or outlawed of Felony, Murder, or Petty Treason, or if the Tenant die without Heir general or special; then the Lord of whom the Tenant held the Land may enter by way of Escheat; or if any other enter, the Lord shall have against him a Writ called a Writ of Escheat.

tice de tous les Executions que sont vers aucun person que il trova en le Gaole: Mes en le dit case, ou le Viscount morust, & devant que autre est fait, un que est en Execution enfreint le Gaole, & depart a large, ceo est nul Escape; car qnt un Viscount morust, routs les prisoners sont en le custodie del Ley, ranque novel Viscount soit fait. Veies Co. lib. 3. fo. 72.

Si le Viscount, sur un Capias ad satisfaciendum a luy direct, fait Retorne Quid cepit Corpus, & uncore nad le Corps en Court al jour de le Retorne; le Plaintiff poit aver son Action vers le Viscount pur l'Escape, nient obstant que le partie issint prise soit en le Gaole. Veies 7 H. 4. 11. Br. 107.

Escheat.

Escheat est, lou un Tenant en Fee-simple face Felonie, p que il est pendue, ou abjure le Realme, ou outlawe de Felonie, Murder, ou Petit Treason, ou si le Tenant morust sans Heir general ou special; donq le Shire de que le Terre est tenu p le Tenant poit enter per voy de Escheat; ou si aucun autre home enter, le Seignior avera vers luy un Brief appel Brief de Escheat.

Escheator.

Escheator est le nomme del Officer q regarda les Escheats del Roy en l' Countie de q il est Escheator, & certiffia eux en le Exchequer. Cest Officer est designe p le Shr Treasurer, & p Letters Patents de luy, & continua en son Office forsq un an; neq poit asc' estz Escheator forsq un foirs en trois ans. *Anno 1 Hen. 8. cap. 8. & an. 3 ejusdem, cap. 2.* Veies pluis de cest Officer & son authority en *Crompton's Justice de Peace*. Veies *An. 21 Ed. 1.* Le forme del Seremr del Escheator veies en l' *Reg. orig. fo. 301. b.* Et l' Escheator est un Officer de Record, & puit ordein un south-Eschat, cõe le Visc' poit un south-Visc'; unc' l' Escheator ne poit returne asc' Office *virtute Officii*, mes il serra punie. Veies *F. N. B. fo. 100.* *Officium Escheatriæ* est l' Escheatorship. *Reg. orig. fo. 259.*

Eschequer.

Eschequer (*Scaccarium*) *venit del pol François Eschequer, id est, Abacus*, q e un significatiõ est prise pur un Counting-Table, ou p l' art ou science del Compz. Et de ceo (cõe ascuns pensoiet) le lieu ou Court des Receits ou Accõunts des Revenews

Escheator.

Escheator is the name of an Officer that obserbes the Escheats of the King in the County whereof he is Escheator, and certifies them into the Exchequer. This Officer is appointed by the L. Treasurer, and by Letters Patents from him, and continues in his Office but one year; neither can any be Escheator but once in three years. *An. 1 Hen. 8. cap. 8. and an. 3 ejusdem cap. 2.* See more of this Officer and his authority in *Crompton's Justice of Peace*. See *An. 21 Ed. 1.* The form of the Oath of the Escheator see in the *Regist. orig. fo. 301. b.* And the Escheator is an Officer of Record, and may ordain an under-Escheator; as the Sherif may an under-Sherif; yet the Escheator cannot return any Office by virtue of his Office, but he shall be punished. See *F. N. B. 100.* Office Escheatrix is the Escheatorship. *Reg. orig. fol. 259.*

Exchequer.

Exchequer (*Scaccarium*) comes of the French word Eschequier, id est, Abacus, which in one signification is taken for a Counting-Table, or for the art or skill of Counting. And from thence (as some think) the place or Court of the Receits and Accounts of the Revenues of

of the Crowne is called the Exchequer. Others have otherwise derived the name. But the Exchequer is defined by Crompton in his Jurisd. of Courts, fol. 105. to be a Court of Record, wherein all Causes touching the Revenues of the Crowne are handled.

del Corone est appel l' Eschequer. Auters ont autrement derive le nomme de ceo. Mes l' Eschequer est définie per Crompton en son Jurisd. des Courts, fol. 105. destre un Court del Record, en q̄ tous les Causes q̄ concernent les Revenews l' Coroon sōt tractés.

Escuage.

Escuage, in Latine Scuragium, that is, Service of the Shield, and he that held by Escuage held by Knight-service; and to that did belong Ward, Marriage, and Relief, &c.

But see the Stat. 12 Car. 2. ca. 24. for taking away the Court of Wards and Liveries, and turning all Tenures into free and common Socage.

Escuage was a certain Sum of money levied by the Lord of his Tenant, after the quantity of his Tenure, when Escuage ran through all England, and was ordained by all the Council of England, how much every Tenant should give his Lord; and that was properly to maintain the Wars against Scotland or Wales, and not against other Lands, for that those Lands did of right belong to the Realm of England. See Lit. lib. 2. cap. 3.

Esneey.

Esneey is a priviledge given the eldest Coparcener,

Esuage.

Escuage, en Latine Scuragium, cest adire, Servitium Scuti, & cestuy que tient p Escuage, tient p Service de Chival; & a ceo appēt Gard, Marriage, & Relief, &c.

Mes veies le Stat. 12 Car. 2. ca. 24. p̄ abolishing le Court de Gards & Liveries, & turning rours les Tenures en frank & common Socage.

Escuage fuit un certain Summe de Argent levie p le Sñr de ses Tenants, selonq̄ l' quantitie de son Tenure, qñt l' Escuage courage per tout Angleterre, & fuit ordeigne per tout le Council d' Angleterre, qñt chesc' Tenant doña a son Sñr; & ceo fuit propremt pur susteiner le Guerē cōtre Escote ou Gales, & nō pas cōtre aũs Tr̄s, pur ceo q̄ les avandit Tr̄s serrōt de droit appēdant a le Realin d' Angleterre. Vide Lit. l. 2. c. 3.

Esneey.

Esneey ē un imunitie don al plus eigne Coparcen, de

de eslier primerment puis l' Inheritance est divide. *Flet. li. 5. ca. 10.*

to chuse first after the Inheritance is divided. *Flet. li. 5. ca. 10.*

Esplees.

Esplees.

E *Splees* est le Profit ou Commoditie que est a prendre dun chose: Come d'un Common, l' prendre d' un Grasse p les bouches de les Beasts q common la; d' un Advowson, le prend' de gros Dismes per le Parson; de Bois, le vender de Bois; d' un Orchard, le vender de Pomes & auters Fruits cresant la; d' un Molin, le prisel de Tolle, sont les *Esplees*, & de tiels semblables. Et nota, que en Brief de Droit de Terre, Advowson, ou tiels semblables, le Demaundant doit alledge en son Count, que il ou ses Auncestors prise les *Esplees* de chose & demad, auterment l' Count nest bon.

E *Splees* is the Profit or commodity that is to be taken of a thing: As of a Common, the taking of the Grass by the mouths of the Beasts that common there; of an Advowson, the taking of gross Tithes by the Parson; of Wood, the selling of Wood; of an Orchard, the selling of Apples and other fruit growing there; of a Mill, the taking of Toll, are the *Esplees*, and of such like. And note, that in a Writ of Right of Land, Advowson, or such like, the Demandant ought to alledge in his Count, that he or his Auncestors took the *Esplees* of the thing in demand, otherwise the Pleading is not good.

Essendi quietum de Tolonio.

Essendi quietum de Tolonio.

E *ssendi quietum de Tolonio* est un Brief destre quit d' Tolle, & gist en case ou les Citizens ou Burgeses de ascun Citie ou Borough ont est' quit de Tolle per Graunt des Progenitours del Roy per tout le Royalme, ou per Prescription; dunque si asc' hœ des dits Cities ou Boroughs veignœt ove ses Merchandises a asc' Ville, Faire, ou Mar-

E *ssendi quietum de Tolonio* is a Writ to be quit of Toll, and lies in case where the Citizens or Burgeses of any City or Borough have been acquitted of Toll by the Grant of the King's Progenitors throughout the whole Realm, or by Prescription; then if any man of the said Cities or Boroughs come with his Merchandises to any Town, Fair or Mar-

ket, and there put them to sale, or buy any Merchandises, if the Officers of the said Town will demand any Toll of him against the King's Charter, or against the Blage and Customs, he may sue and have such a Writ. Fitz. N. B. fol. 226. Regist. original. fol. 258.

Essoine.

Essoine: where an Action is brought, and the Plaintiff or Defendant may not well appear at the day in Court, for one of the five causes under specified, he shall be essoined to save his Default.

There are five manner of Essoins: viz. Essoine De ouster le mere, by which the Defendant shall have a day by xl. daies.

The second is, De terra sancta, and upon this the Defendant shall have a day by a year and a day; and these two shall be laid in the beginning of the Plea.

The third Essoine is, De male vener, and that shall be adjourned to a common day, as the Action requires; and this is called the Common Essoine; and when and how this Essoine shall be, see the Statutes, and the Abridgement of Statutes, where it is well declared.

The fourth is, De malo lecti, and that is onely in a Writ of Right, and thereupon

ket, & la eux mett' a vender, ou achatont aucuns Merchandises, si les Officers del dit Ville voile demaunders aucun Tolle de luy encontre l'Charter le Roy, ou encounter le Usage & Custome, il puit suer & aver tiel Bfe. F. N. B. fol. 226. Regist. orig. fol. 258.

Essoine.

Essoine: Lou un Action est port, & le Plaintif, ou Defendant ne poit bien appear al jour en Court, p un de cinque causes desouth expresse, il serra essoine de sauver son Default.

Sont cinque maners de Essoins: cest adire, Essoine De ouster le mere, per ql le Defendant avera jour per xl. jours.

Le second est, De terra sancta, & sur ceo le Defendant avera jour per un an & un jour; & ces deux serront gist al commencement del Plee.

Le tierce Essoine est, De male vener, & ceo serra adjourne al common jour, come Action require; & cest apel' le Common Essoine: & quant & coment cest Essoine serra, veies les Statutes, & Livre de Abridgement de Statutes, lou il est bn declare.

Le quater est, De malo lecti, & ceo est solement en Brief de Droit, & sur ceo

issera Brief hors del Chauncerie direct al Viscount, que il mandera quat Chivalers de veier le Tenant, & si il soit malade, de don a luy jour aps un an & un jour.

Le cinq' Essoine est, *De service del Roy*, & gift en routs Actions, forsque en Assise *De Novel Disseisin*, Brief de Dower, *Darreine presentment*, & en Appeal de Murder: mes en cest Essoine il covient al jour de monstre son Garrant, ou autrement il turnera a un Default, sil soit en Plee real; ou autrement il perdera xx. s. pur le journey, ou pluis, per le discretion del Justice, sil soit en Plee personnel, ut pater per le Statute de Gloucester. cap. 8.

Essoino de malo lecti.

Essoino de malo lecti est un Brief direct al Viscount, pur le mitr quat loyal Chivalers a veier un que ad essoin luy meisme *De malo lecti*. Reg. Orig. fol. 8. b.

Etablissement de Dower.

Etablissement de Dower ensemble destre l' Assurance de Dower fait per le Baron ou ses amies devant ou al temps del Espousels: Et Assignement de Dower est le Mitrant ceo hors per le Heire aps, accordant al Etablissement. Brit. cap. 102, 103.

there shall a writ goe out of the Chancerie directed to the Sherif, that he shall send four knights to see the Tenant, and if he be sick, to give a day after a year and a day.

The fifth Essoine is, *De service del Roy*, and it lies in all Actions, except in *Assise De Novel Disseisin*, writ of Dower, *Darreine presentment*, and in Appeal of Murder: but in this Essoine it behoves at the day to shew his warrant, or else it shall turn to a Default, if it be in a Plea real; or else he shall lose xx. s. for the journey, or more, by the discretion of the Justice, if it be in a Plea personal, as it appears by the Statute of Gloucester, cap. 8.

Essoino de malo lecti.

Essoino de malo lecti is a writ directed to a Sherif, to send four lawfull knights to view one that hath essoined himself *De malo lecti*. Reg. Orig. fo. 8. b.

Etablissement de Dower.

Etablissement de Dower seems to be the Assurance of Dower made by the husband or his friends before or at the time of the Marriage: And Assignment of Dower is the setting it out by the heir afterwards, according to the Etablissement. Brit. ch. 102, 103.

Standard.

Estandard.

EStandard or Standard signifies an Ensign in war; but is also used for the principal or Standing Measure of the King, to the proportion whereof all the Measures through the Land are and ought to be framed by the Clerk of the Market, Pulneger, or other Officer, according to their function.

For it was established by Magna Charta, ann. 9 H. 3. c. 25. that there should be but one Standard of Weights and Measures through all the Realm; which is since confirmed by An. 14 Ed. 3. ca. 12. and many other Statutes; as also that all should be fited to the Standard sealed with the King's Seal.

And there is good reason that it should be called a Standard, because it stands constant and immoveable, and hath all other Measures coming towards it for their conformity; as Souldiers in the field have their Standard or Colours for their direction in their March or Skirmish. Of these Standards and Measures read Britton, cap. 30. In the Statute 17 Car. 1. c. 19.

Estandard.

EStandard ou Standard. Simplicia un Ensigne en la guerre; mes est auxy usee pour le prin ou Certaine Measure del Roy, proportion de que tous les Measures per le Terre devoient estre fait per le Clerke del Market, Aulsegeor, ou aurer Officer, accordant a leur fonction.

Car il fuit establie par Magna Charta, ann. 9 H. 3. ca. 25. que la serroit forsque un Assise de Poys & Measures per tout le Royalme; le quel est jammes confirme par An. 14 Ed. 3. cap. 12. & plusieurs autres Statutes; come auxy que tous serroyent fait al Estandard seale ove le Scale le Roy.

Et bone cause la est que il serroit appell Estandard, pur ceo que il estoit constant & immove, & ad tous autres Measures vient a icel pur leur conformite; en mesme le maner come Souldiers en le champ ont leur Estandard ou Colours pur leur direction en leur March ou Battel. De eux Estandards & Measures lies Brit. cap. 30. Veies le Stat. 17 Car. 1. c. 19.

Estate.

Estate est cel Title ou Interest que home ad en Terres ou Tenements; come Estate simple, autrement appellé Fee-simple, & Estate conditional ou sur Condition; que est ou sur Condition en Fait, ou sur Condition en Ley. Veies Littl. lib. 3. cap. 5.

Estoppel.

Estoppel est, quant un est conclude & denié en Ley d' parler encounter son aet ou fait desu, nient obstant il soit p' dire le verite.

Et de Estoppels il y ad un grand number. Un pur exemple est, quant J. S. est obligé en un Obligation par le nosme de T. S. ou ascun autre nosme, & est sue apres accordat al mesme le nosme mis en l' Obligation; ore il ne serra receve a dire que il est mis-nosme, mes serra chasé a respond' accord' al nosme mis en l' Obligation, cest adire, T. S.; car peradventure l' Obligee ne scavoit pas son nosme mes p' le report tantselement del Obligor mesme: & entant q' il est si le hōe q' suit oblige, il serra estoppe, & denie en Ley pur a dire le contrarie encont' son fait demesne; car autrement il post' prend' advantage d' son

Estate.

EState is that Title or Interest that a man hath in Lands or Tenements; as Estate simple; otherwise called Fee-simple, and Estate conditional or upon Condition; which is either upon Condition in Deed, or upon Condition in Law. See Littleton lib. 3. cap. 5.

Estoppell.

Estoppell is, when one is concluded and forbidden in Law to speak against his own act or deed. yea, though it be to say the truth.

And of Estoppels there are divers. One for example is, when J. S. is bound in Obligation by the name of T. S. or any other name, and is sued afterward according to the name in the Obligation; now he shall not be received to say that he is misnamed, but shall be driven to answer according to the name put in the Obligation, that is, T. S.; for peradventure the Obligor did not know his name but by the report of the Obligor himself: and inasmuch as he is the same man that was bound, he shall be estopped, and forbidden in Law to say contrary to his own deed; for otherwise he might take advantage of his own

other wrong. which the Law will not suffer a man to doe.

If the daughter who is Heir to her father will sue Liberty with her sister who is a Bastard, she shall not afterward be received to say that her sister is a Bastard, insonmuch as if her Bastard-sister take half the Land, there is no remedy by the Law.

Also if a man seised of Lands in Fee-simple will take a Lease for years of the same Land of a stranger by Deed indented; this is an Estoppel during the term of years, and the Lessee is thereby barred to say the truth, which is, That he that leased the Land had nothing in it at the time of the Lease made, and that the Fee-simple was in the Lessor: But this he shall not be received to say till after the years are determined, because it appears that he hath an Estate of years, and it was his folly to take a Lease of his own Lands, and therefore shall thus be punished for his folly.

Estovers.

ESTOVERS are Nourishment or Maintenance: And Bract. l. 3. tract. 2. c. 18. num. 1. uses it for such Sustenance as a man, taken for Felony, is to have out of his Lands or goods for himself and his family during his imprisonment. And the Statute of 6 E. 1. c. 7. uses it for allowance in Meat or Cloth.

port demesne, le quel le Ley ne voit suffer ü hōe d' faire.

Si le file que est Heire a son pere voit suer Liverie ove sa soer que est un Bastard, el ne serra apres receive pur dire que sa soer est un Bastard, entant que si la Bastard soer prist le moietie del Terre, il nad remedie per le Ley.

Auxy si un home seisie de Tfe en Fee-simple voit prendre un Lease p' ans de mesme le Tfe d'un estranger p' Fait indented, cest un Estoppel durant le terme d'ans, & le Lessee est per ceo barre a dire le veritie, car le veritie est, Que il q' lessa le Tfe nad riens en ceo al temps le Lease fait, & q' le Fee-simple fuit e le Lessee: Mes ceo il ne serra receive a dire tanq' aps les ans serra determine, p' ceo que il appiert que il ad Estate pur ans, & il fuit son folly de prendre un Lease de ses Tfes demesne, & p' ceo serra issint punie pur son follie.

Estovers.

ESTOVERS sont Nourriment ou Maintenance: Et Bract. l. 3. tract. 2. c. 18. num. 1. ceo usa p' tiel Nourriment q' home, attach p' Felonie, est d'aver hors de ses Tfes ou biens p' luy mesme & son familie durant son dures. Et le Statute d' 6 E. 1. c. 3. ceo usa p' ü Allowance e Viands ou Panne.

Il est auxy use p certaine Allowances de Boys destre prise hors del boys d'un autre home; *Westm. 2. c. 15. Anno 13 E. 1. West. part. 2. tit. Fines, sect. 26.* dit, Que le nosme d' *Estovers* conteigne Housbore, Heybore, & Caruebore; cōe sil ad ē son Grant ceux general polx, *De rationabili Estoverio in Boscis, &c.* il poit p ceo claime ceux trois.

Estrangers.

E *Strangers* sont ascun foits prise p ils q ne sont Parties ne Privies al Fine levie, ou seafans d'un Fait; ascuns foits ils que sont nee ouster le mere.

Estray.

E *Stray* est, lou ascun Beast ou Cattel est en ascun Sñrie, & nul consuēt l'Owner d' ceo; donques ceo serra seisie al oeps le Roy, ou de le Sñr q ad tiel *Estray* p grant le Roy, ou p prescription: & si l'Owner fait claim a ceo deins an & jour, il ceo reayera; ou autrement apres l'an le ppertie de ceo serra al Sñr, issint q le Sñr face Proclamation de ceo accordant a le Ley.

Estreet.

E *Street* est ū Embleme ou Resemblance, & est com-

It is also used for certain Allowances of Wood to be taken out of another man's wood; *Westm. 2. c. 15. Anno 13. E. 1. West. part 2. tit. Fines, sect. 26.* saith That the name *Estovers* comprehendeth Housboot, Hedgeboot, and Plowboot; as if one hath in his Grant these general words, Reasonable *Estovers* in the Woods, &c. he may thereby claim those thres.

Estrangers.

E *Strangers* are sometimes taken for those that are not Parties or Privies to the levying of a fine, or making of a Deed; sometimes those that are born beyond sea.

Estray.

E *Stray* is, where any Beast or Cattel is in any Lordship, and none knows its Owner; then it shall be seised to the use of the King, or of the Lord that hath such *Estray* by the King's grant, or by prescription: and if the Owner make claim thereto within a year and a day, he shall have it again; otherwise after the year the property thereof shall be to the Lord, provided he make Proclamation of it according to Law.

Estreet.

E *Street* is a Figure or Resemblance, and is commonly

monly used for the Copy or true Note of an Original Writing; as Estreats of Amerciements imposed in the Rolls of a Court, to be levied by the Bailiff, or some other Officer, of every man that hath offended. See F.N.B. 75, & 76. And so it is used in Westm. 2. c. 2.

munerme use p le Copie ou voier Note d'un Original Eseripture; cōe Estreats de Amerciements impose en les Rolls d'un Court, destū levie p le Reeve, ou aut Officer, de chesc' home p son peche. Veies F.N.B. 75, & 76. Et issint il est use ē Westm. 2. c. 2.

Estreptment.

EStreptment is a Writ that lies where one is impleaded by a *Præcipe quod reddat* for certain Land; if the Demandant suppose that the Tenant will doe Waste depending the Plea, he shall have against him this Writ, which is a Prohibition, commanding him to doe no Waste, depending the Plea.

And this Writ lies properly where a man demands Lands by Formedon, or Writ of Right, or such Writs where he shall not recover Damages; for in such Writs where he shall recover Damages, he shall have his Damages, with regard to the Waste done.

Estate probanda.

Etate probanda is a Writ of Office, and it lies for the Heir of the Tenant that held of the King in chief, to prove he is of full age, directed to the Sheriff to enquire of his age; and then he shall become Tenant to the King by the same Services that his Ancestors made to the

Estreptment.

EStreptment est un Bfe que gist lou un est emplede p un *Præcipe quod reddat* pur certaine Tfe; si le Demandant suppose que le Tenant voile faire Wast pendant le Plee, il avera vers luy cest Brief, q est un Prohibition, luy comandant ne fair Wast pendant le Plee.

Et cest Brief gist pperment lou un home demande Tfes p Formedon, ou Brief de Droit, ou tiels Briefs lou il ne recover Damages; car en tiels Briefs lou il recouvrera Damages, il avera ses Damages, oves regard al Wast fait.

Estate probanda.

Etate probanda est un Bfe d'Office, & gist p l'Heire le Tenant que tient del Roy en capite, p prove q il est de plein age, direct al Viscount pur inquirer de son age; & donques il deviendra Tenant al Roy per mesme les Services que son Ancestors fist al Roy.

Roy. Mes il est dit, q' chesc' que passer en cest Enquest sera del age de xiii. ans al meins. Mes veies le Stat. 12 Car. 2. pur Abolition del Court de Wards & Liveries, &c.

King. But it is said, that every one that shall passe in this Enquest shall be of the age of xlii. years at least. But see the Stat. 12 Car. c. 2. for Abolishing the Court of Wards and Liveries, &c.

Evesdroppers.

Evesdroppers.

EVesdroppers sont riels Equex estoient desfourh Mures ou Fenestres p' nuiet ou jour, a oyer novels, & a carrier eux al auters, a faire strise & debate inf' leur Vicines : ceux sont male members e le Common-wealth, & p' ceo p' le Stat. d' Westm. 1. c. 33. sont destre punie.

EVesdroppers are such as stand under Walls or Windows by night or day to hear news, and to carry them to others, to make strife and debate amongst their Neighbours : those are evil members in the Common-wealth, and therefore by the Stat. of Westm. 1. c. 33. are to be punished.

Et cest Misdemeanour est presentable & punishable en le Court-Lett, Kirch. f. 11.

And this Misdemeanour is presentable and punishable in the Court-Lett, Kirch. f. 11.

Evidence.

Evidence.

EVidence est use gralair p' ase' Proof, soit il p' le Testimonie d' hoies, ou p' Escrip. Sir Tho. Smith, l. 2. c. 17. ceo usa e ambideux senses en ceux pols; Evidence est authentiq; Escrip. de Contrasts, selonq; le maner d' Anglestre, cest adire, escrie, enseale, & delivrer.

EVidence is generally used for any Proof, be it by the Testimony of men, or by Writing. Sir Thomas Smith, l. 2. c. 17. uses it in both senses, in these words; Evidence is authentical Writings of Contracts, according to the manner of England, that is, written, sealed, and delivered.

Et l. 2. c. 23. plant del Prisoner q' estoia al Bar a plead p' son vie, & d' ceux q' chargea luy ove Felonie, issint; Donq; il monstre que il poit dire; puis luy auxy tous ceux queux fueront al Apprehension del Prisoner, au que poient doner ascens

And l. 2. c. 23. speaking of the Prisoner that stands at the Bar to plead for his life, and of those that charge him with Felony thus; Then he tells what he can say; after him also all those who were at the Apprehension of the Prisoner, or who can give any Signs

Signs or Tokens, which we call in our Language Evidence against the Malefactor.

Indices ou Tokens, queux nous appelomus e nostre parlance Evidence envers le Malefactor.

Exaction.

Exaction.

Exaction is a wrong done by an Officer, or by one pretending to have authority, in demanding or taking any Reward or Fee for that matter, cause, or thing, which the Law allows not.

Exaction est un tort fait par un Officer, ou par un pretendant d'aver autoritie, e demandant ou prenant ascun Reward ou Fee p cel matter, causes ou chose, q le Ley ne pas allowa.

The difference between Exaction and Extortion is this: Extortion is, where an Officer demands and extorts a greater Summe or Reward then his just fee: and Exaction is, where an Officer or other man demands and wrests a Fee or Reward, where no Fee or Reward is due at all. See Extortion.

Le difference penter Exaction & Extortion est ceo: Extortion est, lou un Officer demanda & extorta un greinder Summe ou Reward que son voier Fee: & Exaction est, lou un Officer ou auter home demanda & urger un Fee ou Reward, lou nul manier d Fee ou Reward est due. Veies Extortion.

Exception.

Exception.

Exception is a Bar or Stay to an Action; and is divided into Exception dilatory, and peremptory. Of these two see Bracton, l. 5. tract. 5. and Britton, c. 91, 92.

Exception est un Barre ou Stoppe a un Action; & est divide e Exception dilatorie, & pemptorie. De ceux ambideux veies Bracton, l. 5. tract. 5. & Britton, c. 91, 92.

Exchange.

Exchange.

Exchange is, where a man is seised of certain Land, and another is seised of other Land; if they by a Deed indented, or without Deed, if the Lands be in one County, exchange their Lands, so that each of them

Exchange est, lou un hoe est seise de certaine Tre, & un auter est seise d'auter Tre; si ils par un Fair indent, ou sans Fair, si le Terres sont en un Countie, exchange leur Tres, issint q chescun d'eux avera

avera auters T^{res} a luy issint exchange en fee, en fee-taile, ou a terme de vie, ceo est apel un *Exchange*, & est bone sans Liverie & Seisin.

En *Exchange* il covient q^e les *Estates* a eux limit sont egalls; car si ū averoit *Estate* en fee en sa Terre, & l'auter *Estate* ē auter Terre forsque p^r terme de vie, ou en taile, t^{el} *Exchange* est void; mes si les *Estates* sont egal, & les Terres ne sont d'egal value, uncore l'*Exchange* est bone. Auxy un *Exchange* de Rent p^r T^{re} est bone. Et *Exchange* inf^r Rent & Comon est bone, & ceo covient estre per Fait. Auxy il covient routs foies q^e cest parol *Exchange* soit en le Fait, ou autrement rien passa per la, sinon q^e il ayt Liverie & Seisin.

shall have other Lands to him so exchanged in fee, fee-tail, or for term of life, that is called an *Exchange*, and is good without *Liberty* and *Seisin*.

In *Exchange* the *Estates* to them limited must be egall; for if one should have an *Estate* in fee in his Land, and the other an *Estate* in the other Land but for term of life, or in tail, such *Exchange* is void; but if the *Estates* be egall, though the Lands be not of egall value, yet the *Exchange* is good. Also an *Exchange* of Rent for Land is good. And an *Exchange* between Rent and Common is good, and that ought to be by *Deed*. Also it behoves alway that this word *Exchange* be in the *Deed*, or else nothing passes by it, except he have *Liberty* and *Seisin*.

Exchequer.

EXchequer. Veies *Eschequer*.

Exchequer.

EXchequer. See *Eschequer*.

Excommengement.

EXcommengement est adire En Latine *Excommunicatio*, & est lou un home p^r la judg^{mt} en Court Christian est *Excommenge*, p^r quel il est disable de suer asc^e *Action* ē Court le Roy; & sil remaine *Excommenge* xl. jours, & ne voile este justifie p^r son Ordinarie, donques l' Eveque mandera son Letter al Chan-

Excommengement.

EXcommengement is to say in Latine *Excommunicatio*, and it is where a man by judgment in Court Christian is *Excommenged*, by which he is disabled to sue any *Action* in the King's Court; and if he remain *Excommunicate* xl. days, and will not be justified by his Ordinarie, then the Bishop shall send his Letter Patent to the Chancellor

cellour to certifie this Excom-
munication or Contempt; and
thereupon the Sherifff shall
be commanded to take the body
of him that is Accursed, by a
Writ called *De Excommunicato*
capiendo, till he hath made sa-
tisfaction to holy Church for the
Contempt and wrong: and
when he is justified, the Bishop
shall send his Letters to the
King, certifying the same; and
then the Sherifff shall be com-
manded to deliver him, by a
Writ called *Excommunicato deli-*
berando: See the Statute 5 Eliz.
cap. 23.

Excommunication.

Excommunication. See Excom-
mencement.

Execution.

Execution is, where Judg-
ment is given in any Au-
don, that the Plaintiff shall re-
cover the Land, Debt, or Dam-
mages, as the case is; and
when any Writ is awarded to
put him in possession, or to doe
any other thing whereby the
Plaintiff should the better be
satisfied his Debt or Damma-
ges, that is called a Writ of Ex-
ecution; and when he hath the
Possession of the Land, or is
paid the Debt or Dammmages,
or hath the Body of the Defen-
dant awarded to prison, then he
hath Execution. And if the Plea
be in the Countrey, or Court-

cellour, de certifier l'Excom-
munication ou Contempt;
& sur ceo serra command
al Viscount de prendre le
corps l'Excommenge, per
un Brief appel *De Excom-*
municato capiendo, jelsque il
ad fait gree al saint Esglise
pur le Contempt & tort: &
quant il est justifie, l'E-
vesque maundera ses Letters
al Roy, certifiant ceo; &
donqs serra maunde al Visc-
de luy deliver, per un Brief
appel *Excommunicato delibe-*
rando. Veies le Statute 5 Eliz.
cap. 23.

Excommunication.

Excommunication. Veies
Excommencement.

Execution.

Execution est, lou Judge-
ment est done en ascun
Action, que le Plaintife reco-
vera le T're, le Det, ou Dam-
mages, come le case est; &
quant asc' Brief est agard de
luy mitter en possession, ou d'
faire ascun chose per que le
Plaintife serra le mieux satis-
fie son Det ou Dammmages, ceo
est appel *Brief d'Execution*; &
quant il ad le Possession
de le Terre, ou est pay le
Det ou Dammmages, ou ad le
Corps le Defendant agard
al prison, donques il ad
Execution. Et si le Plea
so en Countrie, ou Court-
2 Br-

Baron, ou Hundred, & ils delaiont l'Execution del Judgement en favour de partie, ou p^rauter encheafon ; le Demandant avera Brief *De Executione Judicii*.

Nota, que en Brief de Det home navera Recoverie de nul Terre, mes de ceux que le Defendant avoit jour de Judgement rendue. Et de Chateux, home avera Execution solement des Chateux queux il avoit jour d'Execution sue.

Baron, or Hundred, and they defer the Execution of the Judgment in favour of the party, or for other cause ; the Demandant shall have a Writ *De Executione Judicii*.

Note, that in a Writ of Debt a man shall not have Recovery of any Lands, but of those which the Defendant hath the day of the Judgment yielded. And of Chattels, a man shall have Execution onely of the Chattels which he hath the day of the Execution sued.

Executione facienda.

E*xecutione facienda* est un B^ref commandant Execution d'un Judgement ; le divers uses de quel veies e le Table de *Reg. judic.*

Executione facienda.

E*xecutione facienda* is a Writ commanding Execution of a Judgment ; the divers uses whereof see in the Table of the *Reg. judic.*

Executor.

E*xecutor* est, quant ū hōe fait son Testamēt & darreine Volunt, & en ceo nomme le person que executera son Testament, il est son *Executor*, & est a tant en le Civil Ley come *Heres designatus*, vel *Testamentarius*, cōe al Det, Biens & Chattels son Testator : & riel *Executor* avera A^ction vers chescun Dettor de son Testator ; & si l'*Executor* ad Affers, chescun a que le Testator fuit indett avera A^ction vers l'*Executor*, sil ad Obligation ou Especialtie ; mes en chescun case

Executor.

E*xecutor* is, when a man makes his Testament and last Will, and therein names the person that shall execute his Testament, that is his *Executor*, and is as much in the Civil Law as *Heres designatus*, or *Testamentarius*, as to Debts, Goods and Chattels of his Testator ; and such an *Executor* shall have an A^ction against every Debtor of his Testator ; and if the *Executor* hath Affers, every one to whom the Testator was in debt shall have an A^ction against him, if he have an Obligation or Specialty ; but in every case where

where the Testator might wage his Law, no Action lies against the Executor. See hereof before in the Title Administrators.

lou le Testator puiſſoit gager ſon Ley, nul Action giſt vers Executor. Veies pluis de ceo devāt Titulo *Administrators*.

Exemplification.

Exemplification.

Exemplification is, when a Man will have any Original Record written out and exemplified forth of the Court where it remains, to which purpose he may have a Writ, as appears by the Reg. orig. f. 290.

And if a man will plead a Record in other Court then where it remains, it behoves him to have it exemplified under the Great Seal of England; for if it be exemplified under the Seal of the Common Pleas, Exchequer, or such like, it will not serve, unless in Evidence to a Jury. See Coke, l. 5. f. 53.

Exemplification est, ou hōe voile aver asc' Original Record transcript & exemplific hors del Court lou il remaine, a quel purpose il poit aver un B're, come appiert p le Reg. orig. f. 290.

Et si hōe voile pleader un Record en autre Court q̄ ceo lou il remaîn, il covient a luy d'aver exemplific south le Grand Seale d' Angleterre; car sil soit exemplific south le Seale d' Comon Banke, Excheqr, ou tiels semblables, ceo ne servera, fors q̄ ē Evidence al Jurie. Veies Coke, l. 5. f. 53.

Exemption.

Exemption.

Exemption is a privilege to be free from Service or Appearance: and therefore a Baron and Baroness, by reason of their Dignity, are exempted to be sworn upon any Enquest. Coke, l. 6. f. 53.

Also Knights, Clerks and Women are exempted to appear at Leets or the Sheriff's Court: And that is by the Statute of Marlebridge, c. 10.

And a man may be exempted from being put upon Enquests and Juries by the King's Letters Patents; as the President

Exemption est un privilege destre Franke de Service ou Apparence: & p̄ ceo un Baron & Baroness, p̄ reason de lou Dignitie, sont exempts destre jure sur asc' Enquest. Coke, l. 6. f. 53.

Aux Chivalers, Clerks & Femmes sont exempts d'apparer al Leets ou Tourne del Vise: Et ceo est p le Statute de Marlebridge, c. 10.

Et home poit estre exempt destre mis sur Enquests ou Juries per les Letters Patents le Roy; cōe le President & Col.

& Colledge ou Comunalte
des Physiciens e Londres fue-
ront p les Letters Patents del
Roy H.8. Coke, l.8.f. 108.

and Colledge or Commonalty
of Physicians in London were by
the Letters Patents of King
H.8. Coke, l.8.f. 108.

Ex gravi querela.

Ex gravi querela.

EX gravi querela. Veies
devant Tit. Devise.

EX gravi querela. See before in
the Title Devise.

Exigent.

Exigent.

EXigent est un Bre q gist
lou hōe sue Action pso-
nal, & le Defendant ne poit
est: trove, ne ad riens deins le
Countie per q il puit este at-
tach ou distreine; donques
cest Brief issiera al Viscount,
de faire Proclamation al cinq
Counties, chescun apres au-
ter, q il appeare, ou autermt
il serra utlage: & si soit ut-
lage, donques tous ses biens
& chateux sont forfeites al
Roy. En un Endictment de
Felonie l'Exigent issiera apres
le primer Capias. Et en Ca-
pias ad computandum ou ad
satisfaciendum, & en chescun
Capias que issist apres Judge-
ment, l'Exigent issiera apres
le primer Capias. Et auxy en
Appeale de Mort; mes nemy
en Appeale de Robberie ou
Mayhem.

EXigent is a Writ that lies
where a man sues an Action
personal, and the Defendant
cannot be found, nor hath any
thing within the County
whereby he may be attached or
distrained: then this Writ shall
go forth to the Sheriff, to make
Proclamation at five Counties,
every one after another, that he
appear, or else that he shall be
out-lawed: and if he be out-
lawed, then all his goods and
chattels are forfeit to the King.
In an Indictment of Felony
the Exigent shall go forth after
the first Capias. And in a Capias
ad computandum or ad satisfacien-
dum, and in every Capias that
goes forth after Judgment, the
Exigent shall go forth after the
first Capias. And also in Appeal
of Death; but not in an Ap-
peal of Robbery or Mayhem.

Exigenter.

Exigenter.

EXigenter est ū Officer del
Comon Plees, & d̄ ceux
sont quatre. Ils sont tous
Exigents & Proclamations

EXigenter is an Officer of the
Common Pleas, of which
there are four. They make out
all Exigents and Proclamations

in all Actions in which procelle of Outlawry lies. And they make Writs of Superedeas as well as the Preignotaries upon such Exigents as were made in their Office. Of this Officer there is mention made in the Statutes of 10 H.6.c.4. & 18 H.6.c.9.

en tous Actions ē queux pces d'Utlagarie gist. Et ils font Břes de *Superedeas* cy-bien come les Protonotaries sur tiels *Evigents* come fueront faits en leur Office. Et d'cest Officer mention est fait en les Statutes d' 10 H.6.c.4. & 18 H.6.c.9.

Ex mero motu.

EX mero motu are words frequently used in King's Charters, whereby he signifies, that he doth that which is contained in the Charter of his own will and motion, without Petition or Suggestion made by any other: and the effect of these words is, to bar all Exceptions that might be taken to the Instrument wherein they are contained, by alledging, that the King in passing that Charter was abused by any false Suggestion. *Kitch.f.151.*

And when the King's Charter hath therein these words, it shall be taken most strongly against the King; therefore if the King ex mero motu pardon to Ball his Debts, all the Debts that B owes as Sheriff are by this pardoned; and in like manner it is in many other cases, where these words shall be taken as strongly against the King, as if a common person had made the Grant. See *Coke, l.1.f.45.*

Ex mero motu.

EX mero motu sont parols usualment mis ē les Charters le Roy, p qu'il implique, que il fait ceo q est contene en le Charrer de son volant & motion de mesme, sans Prier ou Suggestion fait per aucun autre. Et l'effect de ceux parols est, d'ouster tous Exceptions q poierōt estre prise al Instrument en que ils sont conteinus, p alledger, que le Roy ē donot de c'Charter fuit abuse p aucun faux Allegation. *Kitch.f.151.*

Et quant ū Charter le Roy ad ē ceo ceux parols, il serra prise plus fortment vers le Roy; p q si le Roy pardon a B tous ses Dets ex mero motu, tous Dets q B doit come Viscount sont p ceo pardon; & en mesme le manner est en plusors autres cases, lou ceux parols serra prise cy fort vers le Roy, cōe si ū Common pson ad fait le Graunt. Veies *Coke, l.1.f.45.*

Ex parte talis.

EX *parte talis.* Veies de-
vant, Tit. *Account.*

Expeditate.

EX *peditate* est un pol plu-
sors foits use e le Forrest,
impliant de prend hors les
Balls des pees de grād Chiēs,
p le preservation de Sporte
l' Roy. Et un des Articles
destē enquire concernant le
Forrest est, Si routs grand
Chiens ou Mastives deins le
Forrest sont *expeditate*, accor-
dāt al Leys del Forrest; & si
ascuns ne sont, l' Owner de
chese' tiel Chien forfeitera
al Roy trois soulds & quat den-
niers, *Cromp. Jurisd. fo. 152.*
Manwood usast mesm le pol,
& (*part. 1. de son Forrest*
Ley, fo. 212.) relata le an-
cient *manner de expeditating*
de Chiens, que fuit, que les
trois Ortelles del Primer pee
del dext latere ferrōt abscin-
dus p le pelle; a que il auxy
adde hors del Ordināce appel
l' *Affise del Forrest*, q in le
manner de *expeditating* des
Chiēs serra jamāns use & ob-
serve, & nul auter. *Quere* de
que il surē que *Crompton*
& il differont; l'un disant q
le Ball del pee est abscinde;
l'aut, q les trois primer Or-
telles sōr desumus p le pelle.

Ex parte talis.

EX *parte talis.* See before, Tit.
Account.

Expeditate.

EX *peditate* is a word often
used in the Forrest, signi-
fying to cut out the Balls of
great Dogs feet, for preserva-
tion of the King's Game. And
one of the Articles to be en-
quired touching the Forrest is,
If all great Dogs or Ma-
stives in the Forrest are *expe-*
ditated, according to the Laws
of the Forrest; and if any be not,
the Owner of every such Dog
shall forfeit to the King three
shillings and four pence, *Cromp.*
Jurisd. fol. 152. *Manwood* uses
the same word, and (*part. 1. of*
his Forrest Law, fol. 212.) sets
down the manner of *expeditating*
Dogs heretofore, which was,
that the three Claws of the
fore-foot on the right side
shall be cut off by the skin;
whereunto he also adds out of
the Ordinance called the *Affise*
of the Forrest, that the same man-
ner of *expeditating* Dogs shall be
still used and kept, and none
other. *Quere* whence it arises
that *Crompton* and he differ; the
one saying the Ball of the foot
is cut out; the other, that the
three fore-claws are cut off by
the skin.

Expensis Militum levandis.

EXpensis Militum levandis is a Writ directed to the Sheriff for leying the Allowance for the Knights of the Parliament, Regist. orig. fol. 191. b. And Expensis Militum non levandis de hominibus de Antiquo Dominico, nec à Nativis, is a Writ to prohibit the Sheriff to levie any Allowance for the Knights of the County upon such as hold in Ancient Demesne, &c. Ibidem, fol. 261. b.

Extend.

EXtend is, to value the Lands or Tenements of one bound by Statute, &c. that hath forfeited it, and to deliver them to the Conusee at such indifferent rates, as that by the yearly Profits the Conusee in time may be satisfied his Debt. See Fitz. N. B. fol. 131. and Cok. lib. 4. fol. 67. Fulwood's Case.

Extent.

EXtent has two significations: The one is a Writ or Commission to the Sheriff for the valuing of Lands or Tenements; the other, the act of the Sheriff or other Commissioner upon that Writ. Broke, tit. Extent, fol. 313.

Expensis Militum levandis.

EXpensis Militum levandis est un Brie direct al Viscount p lever l' Allowance pur Chivalers del Parliamt, Regist. orig. fo. 191. b. Et Expensis Militum non levandis ab hominibus de Antiquo Dominico, nec à Nativis, est un Brief de phibit l' Viscount d lever aucun Allowance pur les Chivalers del County sur tiels queux tiendront en Ancient Demesne, &c. Ibidem, fol. 261. b.

Extend.

EXtend est, appraiser les Terres ou Tenements d un oblige per Statute, &c. q ad ceo forfeite, & deliverer eux al Conusee a tiel endifferent rate, come per l' annuel Profits le Conusee en temps poit estre satisfie son Det. Veies Fitz. N. B. fol. 131. & Cok. lib. 4. fol. 67. Fulwood's Case.

Extent.

EXtent ad deux significations: L'un est un Brie ou Commission al Viscount p le valuing del Terres ou Tenements; l' autre, l' act del Viscount ou autre Commissioner sur un Brief. Broke, tit. Extent, fol. 313.

Extinguishment.

EXtinguishment est, lou un Sñr ou asc' au' ad ascun Rent ou Service illuat dascun Terf, & il pchase in le Terf, issint q il ad tiel Estate en le Terf cõe il avoit e le Rent; donqs le Rent est *extinct*, pur ceo que un ne poit aver Rent issuant hors d son Terf demeln. Auxy qst ascun Rent ferra *extinct*, il covient q le Terf & le Rent sont en un main, & auxy q l Estate q il ad ne soit defeasible, & auxy q il ayt auxy bon Estate e le Terf con en le Rent; car sil ad Estate p le Terf forsq pur vie ou p ans, & ad un Fee-simple en le Rent, donqs le Rent nest *extinct*, mes est en suspence pur cel teps, & apres le terme le Rent est revive.

Si soit Sñr, Mesne, & Tenant, & le Seignior purchase le Tenancie, l Mesnaltie est extinct; mes le Mesne avra le surplusage del Rent, si ascun soit, come Rent secke. Auxy si home ad Chimin appendant, & puis purchase le Terre en que le Chimin est, donques le Chimin est extinct: & issint est de un Common appendant.

Extortion.

EXtortion est un Tort fait p un Officer, Ordinary, Archdeacon, Official, Major,

Extinguishment.

EXtinguishment is, where a Lord or any other hath any Rent or Service going out of any Land, and he purchases the same Land, so that he hath such Estate in the Land as he hath in the Rent; then the Rent is extinct, for that one may not have Rent going out of his own Land. Also when any Rent shall be extinct, the Land and the Rent must be in one hand, the Estate indefeasible, and he have as good Estate in the Land as in the Rent; for if he have Estate in the Land but for life or years, and hath Fee-simple in the Rent, then the Rent is not extinct, but in suspence for that time, and after the term the Rent is revived.

If there be Lord, Mesne, and Tenant, and the Lord purchase the Tenancy, the Mesnalty is extinct; but the Mesne shall have the surplusage of the Rent, if there be any, as Rent seck. Also if a man have a High-way appendant, and after purchase the Land wherein the High-way is, then the Way is extinct: and so it is of a Common appendant.

Extortion.

EXtortion is wrong done by any Officer, Ordinary, Archdeacon, Official, Major, Bailie

Bailif, Sherif, Escheator, Coroner, Under-Sherif, Gaoler, or other Officer, by colour of his Office, by taking excessive Reward or Fee for execution of his Office, or otherwise; and is no other thing indeed then plain Robbery, or rather more odious then Robbery: for Robbery is apparent, and always hath with it the countenance of Vice; but Extortion, being as great a Vice as Robbery is, carries with it a countenance of Vertue, by means whereof it is the more hard to be tried or discerned, and therefore the more odious. And yet some there are that will not stick to stretch their Office, Credit, and Conscience, to purchase Money, as well by Extortion as otherwise, according to the saying of the Poet Virgil, What is it that the greedy thirst of Gold doth not constrain mortals to attempt?

Bailife, Viscount, Escheator, South-Viscount, Coroner, Gaoler, ou autre Officer, *colore Officii sui*, en prendrant excessive Reward ou Fee p execution de son Office, ou autrement; & nest aut chose en fait que plain Robberie, mes plus odible q Robberie: car Robberie est apparât, & tout temps ad ove luy le countenance de Vice; mes *Extortion*, esteant cy hault Vice q Robberie est, port ove luy u countenance del Vertue, p raison d quel il est le plus dure destrie ou discerne, & p ceo le plus odible. Et uncoř ascüs il y ad q ne voiloient demurē mes stretch lour Office, Credit, & Conscience, pur purchaser Money, cybiē p Extortio come autermt, accordant al disās de le Poet Virgil, *Quid non mortalia pectora cogis, Anrī sacra fames?*

F

Facultie.

Facultie is a word often used in the Statute of 25 Hen. 8. cap. 21. and it signifies a Privilege or speciall Dispensation granted unto a man by favour and indulgence, to doe that which by the Law he cannot doe; as to eat flesh upon days forbidden, or to hold two or more Ecclesiasticall Livings,

F

Facultie.

Facultie est u pol plurs fois use ē le Statute de 25 H. 8. c. 21. & il signifie u Privilege ou special Dispensation grāt al hōe p favor & indulgence, d faire ceo q p le Ley il ne puit fair; sicōe de manger Chair ē jours prohibits, on p tener deux ou plurs Ecclesiastical Benefices ensemble,

nséble, &c. Et p le grant de
eux *Faculties* la est un espe-
cial Officer desouth l' Arch-
evesq de *Canterburie*, q est
appel le *Master des Faculties*.

and the like. And for the grant-
ing of these *Faculties* there is
a speciall Officer under the
Archbishop of Canterbury, cal-
led the Master of the *Faculties*.

Failer de Record.

F*Ailer de Record* est, qnt
un Action est port envers
un, q plede ascun matter de
Record, & averre de ceo
prove per le Record; & le
Plaintife dit nul tiel Record;
sur q le Defēdār ad jour don
a luy p amesñ eins le Record;
a quel jour il *faile*, ou amesñ
eins un tiel que nest Barre al
cest Action: donques il est
dit pur *failer de son Record*;
& sur ceo le Plaintife avera
Judgement de recovere.

Failing of Record.

Failing of Record is, when an
Action is brought against
one, who pleads any matter of
Record, & avers to prove it by
Record; and the Plaintiff saith
there is no such Record; where-
upon the Defendant hath day
given him to bring in the Re-
cord; at which day he fails,
or brings in such a one as is no
Barre to this Action: then he
is said to fail of his Record; and
thereupon the Plaintiff shall
have Judgement to recover, &c.

Faint } Action. Pleader.

F*Aint Action* (cōc Little-
ton fol. 154. dit) est autāt
adire en *Anglois*, un *Fained*
Action, cestascavoir, tiel Ac-
tion, q comt q les pols de le
Bře sont voyers, uncore pur
certain causes il nad tite p
la Ley de recover per mesñ
l' Action: Et *faux Action* est,
lou les parols del Brief sont
faux. *Isint Faint Pleader* est
un covinous, faux, & collu-
sorie manner de Pleading, al
deceit d un tierce prie. Et
encounter tiel *Faint Pleader*,
enť aus choses, le vieux Sta-
tute en 3 E. 1. c. 29. semble
destre fait.

Faint } Action. Pleading.

F*Aint Action* (as Littleton, fol.
154. saith) is as much as to
say in English, a *Fained Action*,
that is, such Action, as though
the words of the Writ be true,
yet for certain causes he hath no
title by the Law to recover by
the same Action: And a *false*
Action is, where the words of
the Writ are false. So *Faint*
Pleading is a covinous, false,
and collusory manner of Plead-
ing, to the deceit of a third
party. And against such
Faint Pleading, amongst o-
ther things, the old Statute
in 3 E. 1. cap. 29. seems to be
made.

Deed.

Fait.

DEED is a Writing sealed and Delivered, to prove and testify the Agreement of the party whose Deed it is to the thing contained in the Deed: as a Deed of Feoffment is a Proof of the Libery of seisin, for the Land passes by the Libery of seisin; but when the Deed and the Delivery are joyned together, that is a Proof of the Libery, and that the Feoffor is contented that the Feoffee shall have the Land.

All Deeds are either Indented, whereof there are two, three, or more parts, as the case requires; of which the Feoffor, Grantor, or Lessor hath one; the Feoffee, Grantee, or Lessee another; and peradventure some other body a third, &c. Or else they are Poll Deeds, single, and but one, which the Feoffee, Grantee, or Lessee hath, &c. And every Deed consists of three principal points, (without which it is no perfect Deed to bind the parties) namely, Writing, Sealing, and Delivery.

1. By Writing is shewed the parties Names to the Deed, their Dwelling-places, their Degrees, the Thing granted, upon what Considerations, the Estate limited, the Time when it was granted, and whether simply, or upon Condition, with other such like circum-

FAIT est un Escript en scale & deliver, a prover & tester l'Agreement del partie quel Fait il est al chose containe en le Fait: come un Fait de Feoffement est un Prove del Liverie de seisin, car le Terre passe per le Liverie de seisin; mes quant le Fait & le Liverie est joynce ensemble, cest un Prove del Liverie, & que le Feoffor est content q le Feoffee avera le Terre.

Touts Fairs sont ou Indent, de quel y sont deux, trois, ou plusors parties, come le case require; de que le Feoffor, Grantor, ou Lessor ad un; le Feoffee, Grantee, ou Lessee, un autre; & padventure asc' aut pson auxy un tierce, &c. Ou autermt ils sont Fairs Poll, single, & forsque un, le quel le Feoffee, Grantee, ou Lessee ad, &c. Et chescun Fait consist de trois principal choses, (sans quel il nest perfect Fait de lier les parties) nismement, *Escripture, Siggillation, & Deliverie.*

1. Per *Escripture* est declare les Nomes del parties al Fait, leur Habitations, leur Degrees, le Chose grauntus, sur queux Considerations, l'Estate limit, le Temps qnt il fuit grauntus, & si simplemt, ou sur Condition, ove autres tiels semblables circonstances.

stances. Mes si les parties al Fait escript en le fine lour Nomes, ou mis a ceo lour Markes, (come il est communement use) il ne fait ascun mattrer, (come jeo suppose) car ceo nest entende, ou il est dit, que chescun Fait covient de aver Escripiture.

2. *Sigillation* est pluis Testimonie de lour Consents al ceo containe é le Fait; come appiert p ceux parols, *In cuius rei Testimonium, &c.* ou a tiel effect, mis en le fine de Faits, sans queux parols le Fait est insufficient.

Et p ceo que nous sumus en Sigillation & Signing de Faits, il ne serra dehors icy a montre a vous, pur l' amour del Antiquitie, le manner del Signing & Subscribing de Faits en nostre Ancestors le *Saxons* temps, un fashion different d ceo que nous use en ceux nostre jours, en ceo, que ils a lour Faits subscribe lour Nomes, (communement adding le Signe del Crois) & en le fine mis un grand number de Testmoignes, nient usant a cel temps ascun man d Sigil: Et nous a cest jour, p pluis sureté, auxy bien subscribe nostre Noms, (niét obstant ceo nest mult necessarie) & mis nostre Sigille, & use le aide des Testmoignes auxy.

Cest primer fashion continue per tout tanque al temps del Conquest per les Normans, quel manners per petite

stances. But whether the parties to the Déd wite in the end their Names, or set to their Marks, (as it is commonly used) it matters not at all, (as I think) for that is not meant, where it is said, that every Déd ought to have Writing.

2. Sealing is a farther Testimonie of their Consents to what is contained in the Déd; as it appears in these words, In Witness whereof, &c. or to such effect, alwaies put in the latter end of Deds, without which words the Déd is insufficient.

And because we are about Sealing and Signing of Deds, it shall not be much amiss here to shew you, for Antiquitie's sake, the manner of Signing and Subscribing Deds in our Ancestors the Saxons time, a fashion differing from that we use now, in this, That they to their Deds subscribed their Names, (commonly adding the Sign of the Crois) and in the end did set down a great number of Witnesses, not using at that time any kinde of Seal: And we at this day, for more surety, both subscribe our Names, (though that be not very necessary) and put to our Seals, and use the help of Witnesses besides.

That former fashion continued absolute untill the time of the Conquest by the Normans, whose manners by little and little

little at the length prevailed amongst us ; for the first Sealed Charter in England is thought to be that of King Edward the Confessor, to the Abbey of Westminster, who being educated in Normandy, brought into this Realm that and some other of their fashions with him. And after the coming of William the Conquerour, the Normans liking their own Country Custom, (as naturally all Nations do) rejected the manner that they found here, and retained their own, as Ingulphus the Abbot of Croiland, who came in with the Conquest, witnesses, saying ; The Normans do change the making of Writings (which were wont to be firmed in England with Crosses of gold and other holy Signs,) into an impression of Wax, and reject also the manner of the English writing. Howbeit this was not done all at once, but it increased and came forward by certain degrees : so that first and for a season the King onely, or a few other of the Nobility, used to Seal ; then the Noble-men for the most part ; and none other. Which thing a man may see in the History of Bartell Abbey, where Richard Lucie chief Justice of England, in the time of King Henry the second, is reported to have blamed a mean subject for that he used a private Seal, whenas that pertained (as he said) to the

& petite al darrein prevaille enter nous ; car le premier Charter Sigil en Angleterre est pense estre ceo del Roy Edward le Confessor, al Abbey de Westminster, q̄ esteant educate en Normandie, port en cest Realme ceo & ascun autre de lour guises. Et apres le veniens de Guiliam le Conquerour, les Normans estimants de le Custome d' lour Pays, (come naturellement tous Nations font) reject le manner q̄ ils trovont cy, & reteignent leur proper, come Ingulphus l' Abbot de Croiland, que vient eins ove l' Conquest, resinoigne, dicens ; *Normanni Chirographorum confessionem, (cum Crucibus aureis & aliis signaculis sacris in Anglia firmari solitam) in Ceram impressam mutant, modumque scribend' Anglicum rejiciunt.* Mes nient obstant ceo ne suit fait tout al un temps, mes il increase & vient eins p certaine degrees : issint que primes & pur un saison le Roy soleint, ou un peu autre de le Nobilitie, use de Sigiller ; denques le Noble-homes p le plus part, & nul autres. Quel chose un home poir veier en le Historie de Bartell Abbey, Jou Rich. Lucie chiefe Justice de Angleterre, en la temps del Roy Hen. le second, est report de aver blame un meane subject, p ceo que il use un private Sigille, quant ceo pertaine (come il dit) al
Roy

Roy & Nobilitie solement.

A quel tēps auxy (come *J. Rossé* note ceo) ils use de ingrave en leur Sigils leur Pictures demesne & couterfeits, cover ove longe Tunicle sup leur Armours. Mes apres ceo les Gentlehomes del meliour fort prist l' fashiō, & p ceo q̄ ils ne fuerōt tous Guerriours, ils fesoiet Sigills ingrave ove leur severall Coats ou Shields de Armes, p difference, come mesme l' Authour report. Al darreine, en temps del Roy *Ed. l' 3.* Sigils fueront mult common; insint q̄ non solement tiels q̄ portant Armes use de sigiller, mes autrs hōes auxy fesoiet al eux mesms Signers de leur devises demesne, ascūs pndrants les Letters de leur Noms demesne, ascūs Flowers, ascūs Knots & Flourishes, ascūs Oyseaux & Beasts, & ascūs auts choses, come nous ore unc' journalmēt veiomus en use.

Ascuns auters manners de Sigillatiō ouster ceux ad este oye enter nous; come nosme- ment ceo del Roy *Edward* le tierce, p que il done al *Norman* le Hunter,

*Le Hop & le Hop-ville,
Ove tous les bounds upside
down:*

*Et en testimoign' que il soit
verie,*

*Il mord' le Cere ove son fore
dent.*

Le seblable d' cest fuit mē-
tre a moy p un de mes amies

King and Nobility onely.

At which time also (as *J. Rossé* notes it) they used to ingrave in their Seals their own Pictures and counterfeits, covered with a long Coat over their Armours. But after this the Gentlemen of the better sort took up the fashion, and because they were not all Warriours, they made Seals ingraven with their severall Coats or Shields of Arms, for difference sake, as the same Author reports. At length, about the time of King *Edward* the third, Seals became very common; so that not onely such as bare Arms used to seal, but other men also fashioned to themselves Signets of their own devices, some taking the Letters of their own Names, some Flowers, some Knots and Flourishes, some Birds and Beasts, and some other things, as we now yet daily see used.

Some other manners of Sealings besides these have been heard of among us; as namely, that of King *Edward* the third, by which he gave to *Norman* the Hunter,

The Hop and the Hop Town,
With all the bounds upside
down:

And in witness that it was
sooth,

He bit the Wax with his fore
tooth.

The like to this was shew-
ed me by one of my friends
in

in a loose paper, but not very anciently written, and therefore he willed me to esteem of it as I thought good: It was as follows.

I William King give to thee Powlen Royden my Hop and my Hop-lands, with all the bounds up and down, from Heaven to Earth, from Earth to Hell, for thee and thine to dwell, from me and mine, to thee and thine, for a Bow and a broad Arrow, when I come to hunt upon Yarrow. In witness that this is sooth, I bit this Wax with my tooth, in the presence of Magge, Maud, and Margerie, and my third son Henrie.

Also that of Alberick de Vere, containing the Donation of Hatfield, to which he affixed a short black-hafted knife, like an old half-peny whittle, in stead of a Seal: with divers such like.

But some peradventure will think that these were received in common use and custome, and that they were not the devices and pleasures of a few singular persons: such are no less deceived then they that denie every Charter and Writing, that hath no Seal annexed, to be as ancient as the Conquest; whereas indeed Sealing was not commonly used till the time of King Edw. 3. as hath been already said.

3. Deliverie, though it be the last, is not the least;

et ū loose charē, mes non mult ancientmēt escript, & p̄ ceo il voile moy q̄ jeo esteema d̄ c' come jeo pense bien: Il suit come ensuit.

Jeo Guilliam King done a vous Powlen Royden ma Hop & ma Hop-terres, ove tous les bounds up & down, de Caelo al Terre, de Terre ad Infernum, par toy & vestres a demurer, d' moy & mes, al toy & vestres, par un Arc & un broad Sagit, quant jeo veign' par hūt sur Yarrow. In testimoign' que ceo est veray, Jeo morde cest Cere ove mon dent, en presence de Magge, Maud, & Margerie, & mon tierce fitz Henrie.

It ē ceo d' Alberick d' Vere, conteignant le Donation de Hatfield, al quel il fixe ū curt noyer-haft Cuttel, semblable al un vieux demy-denier whittle, en steed de un Seal: ove divers tiels semblables.

Mes asc' peradventure voient pense que ceux fueront receive en common use & custome, & que ils ne fueront les devises & pleasures d' un peu singular p̄sons: tiels ne sōt meines deceive que ils que pensont chescun Charter & Escrip̄t, que ne ad Sigille annexē, destre cy auintienē come l' Conquest; lou ē veritie Siggillation ne fuit communemēt use tanquē al temps del Roy Ed. 3. come ad este dit.

3. Deliverie, niēt ob̄st' il soit mis darreign, nēst l' meanest; car

car aps q̄ ū Fait soit escript & sigille, si ne soit *deliver*, tout le residue est a nul purpose.

Et cest *Deliverie* doit estre fait p le Partie luy mesme; ou son sufficient Garrant; & issint il luy liera q̄cunque escript ou sigil ceo: & per cest darreine act le Fait est fait perfect, accordant al entent & effect de ceo; & p̄ c' en Faits le Liverie est destre prove, &c.

Issint poyes veyer, Escrip-
ture & Sigillation, sans De-
liverie, est a nul purpose: Si-
gillation & Deliverie, lou
nest asc' Escrip-
ture, work nul
chose: Et Escrip-
ture & De-
liverie, sans Sigillation, auxy
fait nul Fait. Et pur ceo ils
touts doivent jointint concur
p̄ faire un perfect Fait.

Faitour.

Faitour est ū pol q̄ est usc
en le vieux repeale Sta-
ture de 7 R. 2. cap. 5. & est la
prise ē l' pire sense, p̄ ū Male
feasor, ou un Oisif companiō,
& semble icy destre un Syno-
nymon al *Vagabond*.

Fardingdeale.

Fardingdeale, autreint *Fa-
rundel*, de Terē, implia le
Quart part dū Acre, *Crompt.
Jurisd. fol. 220. b. Quadrantata
terra. est lie en le Regist.
orig. fol. 1. b.* lou vous aves
auxy *Denariata* & *Obolata*,

for after a Dēd is written and
sealed, if it be not delivered, all
the rest is to no purpose.

And this Delivery ought to
be done by the Party himself,
or his sufficient Warrant; and
so it shall binde him whosoever
wrote or sealed the same: and
by this last act the Dēd is
made perfect, according to the
intent and effect of it; and there-
fore in Dēds the Delivery is to
be proved, &c.

Thus you see, Writing and
Sealing, without Delivery,
is nothing to purpose: Seal-
ing and Delivery, where there
is no Writing, work nothing:
And Writing and Delivery,
without Sealing, make no
Dēd. Therefore they all ought
joynly to concur to make a
perfect Dēd.

Faitour.

Faitour is a word used in the
old repealed Statute of 7 R.
2. cap. 5. and it is there taken in
the worse sense, for an Evil do-
er, or an Idle companion, and
it seems there to be a Synony-
mon to *Vagabond*.

Fardingdeal.

Fardingdeal, otherwise *Fa-
rundel*, of Land, signified
the fourth part of an Acre:
Crompton's Jurisd. fol. 220. b.
Quadrantata terra is read in the
Reg. orig. fol. 1. b. where you
may have *Denariata* and *Obolata*;
Solidary

Solidata and *Librata terræ*, which by probability must rise in proportion of quantity from *Fardigdale*, as a Half-penny, Penny, Shilling, or Pound rise in value and estimation; then must *Obolata* be Half an Acre, *Denariata* the Acre, *Solidata* Twelve Acres, and *Librata* Twelve-score Acres. Yet in the Reg. orig. fol. 94, and 248. you may find *viginti Libratas terræ vel redditus*; whereby it seems that *Librata terræ* is as much as yields twenty Shillings by the year; and *centum Solidatas terrarum, tenementorum, & reddituum*, fol. 249. And in F. N. B. fol. 87. there are these words, *Viginti Libratas terræ vel redditus*, which proves this to be so much Land as is rated at twenty Shillings by the year. See *Fur-long*.

Farm, or Ferm.

Farm, or Ferm, is usually the chief Messuage in a Village or Town, whereto belongs great Demeans of all sorts, and hath been used to be let for term of life, years, or at will.

The Rent that is reserved upon such a Lease, or the like, is called Farm, or Ferm.

And *Farmor* or *Fermor* is he that Tenants the Farm or ferm, or is Lessee thereof.

Also generally every Lessee for life, years, or at will, is called *Farmor*, or *Fermor*.

Solidata & Librata terræ, q per probabilitie surderoit en proportion de quantitie de *Fardigdale*, come un Male, Denier, Soulz, ou Liver surdout en value & estimation; dunque *Obolata* est un Demy Acre, *Denariata* l' Acre, *Solidata* Douze Acres, & *Librata* Douze score Acres. Upcoñ ē l' Reg. orig. fol. 94, & 248. vous poyes trove *viginti Libratas terræ vel redditus*; p q il semble que *Librata terræ* est tant que dona vigint soulz per l' an; & *centum Solidatas terrarum, tenementorum, & reddituum*, fol. 249. Et en F. N. B. fol. 87. la sont ceux parols, *Viginti Libratas terræ vel redditus*, que prova cœo destre tant Terre come est rate al vigint soulz p l' an. Veies *Fur-long*.

Farme, ou Ferme.

Farme, ou Ferme, est usualment le chief Messuage en un Village ou Town, a q appertinent grand Demeanes de tous sorts, & ad este use destre lessé pur terme de vie, ans, ou a volunt.

Le Rent que est reserve sur tiel Lease, ou semble, est appelle *Farme* ou *Ferme*.

Et *Farmour* ou *Feymour* est celuy q occupia le Farme ou Ferme, ou est Lessee de eeo.

Auxy geñalmt chesc' Lessee p vie, ans, ou al volunt, est appel *Farmour*, ou *Fermour*.

Et nota, Que ils sont appel-
lées Fermes, ou Fermes, del
Saxon parol *Feormian*, q̄ sig-
nifie pur Feed, ou rend Vi-
ctuell: Car en ancien tēps
leur Reservations fuerōt cy-
bien en Victual come Ar-
gent; tanq̄ al darrein, & ceo
principalmt̄ ē le tēps de Roy
H. 1. per agreem̄t, le Reser-
vation de Victuals suit con-
vert en ready Argent, &
issint uncore ad continue en
plusors homes.

And note. That they are
called Farms, or Firms, of
the Saxon word *Feormian*, which
signifies to feed, or yield Vi-
ctual: for in ancient time
their Reservations were as
well in Victuals as Money;
untill at the last, and that chief-
ly in the time of King Henry
the first, by agreement, the Re-
servation of Victuals was turn-
ed into ready Money, and so hi-
therto hath continued amongst
most men.

Fate, ou Fatt.

Fate, or Fatt.

Fate, ou Fatt, est un Mea-
sure mention en les Sta-
tutes de 1 H. 5. cap. 10. &
11 H. 6. cap. 8. pur contenir
huit Boisseaus: mes les Ci-
tizens & Merchants de Lon-
dres (cōm̄ appiert p̄ ceux Sta-
tutes) & les Purveiors le Roy
voilont aver ceo Measure &
un Boisseau ouster pur un
Quartier; & issint ils avoi-
ent neufe Boisseaus pur un
Quartier de Blee.

Fate, or Fatt, is a Measure
mentioned in the Statutes
of 1 H. 5. cap. 10. and 11 H. 6.
cap. 8. to contain eight Bushels:
but the Citizens and Mer-
chants of London (as it ap-
pears by those Statutes) and
the King's Purveyors would
have that Measure and a
Bushell over for one Quar-
ter; and so they had nine
Bushels for one Quarter of
Corn.

Faux Imprisonment.

Faux Imprisonment.

Faux Imprisonment est un
Brief q̄ gift lou home est
arrest & restraine de son Li-
bertie per un autre encoun-
ter Order de Ley; donques
il avera vers luy cest Brief,
per que il recovers Damma-
ges. Veies plus de ceo de-
vant, tit. Arrest.

Faux Imprisonment is a writ
that lies where a man is ar-
rested and restrained from his
Liberty by another against the
Order of the Law; then he
shall have against him this
writ, whereby he shall recover
Damages. See more thereof
before, tit. Arrest.

Faux Judgement.

FAUX Judgement. *Se* thereof
before, tit. Error.

Faux Judgement.

FAUX Judgement. Veies d'
ceo devant, tit. Error.

Fealtie.

FEALTIE is a Service, called
in Latine Fidelitas, and shall be
done in this manner; viz. The
Tenant shall hold his right
hand upon a Book, and shall
say to his Lord, I shall be
to you faithfull and true, and shall
bear to you Faith for the Lands
and Tenements which I claime to
hold of you, and truly shall doe
you the Customs and Services
that I ought to doe to you at
the terms assigned; So help me
God: and shall kisse the Book:
but he shall not kneel, as in do-
ing Homage. And thereof see
after in the Title Homage. Also
Fealtie is incident to all manner
of Tenures.

Fealtie.

FEALTIE est un Service, ap-
pelle e Latine Fidelitas,
& serra fait en tiel manner;
cestaescavoire, le Tenu tiend
sa main dextre sur un Livre,
& dirra a son Sür, Jeo a
vous serra foyal & loyal, &
Foy a vous portera des Tene-
mens que jeo claime de tener de
vous, & verament a vous serra
les Customs & Services que
faire vous doy al termes as-
signes. Sicome moy ayde Dieu:
& basera le Livre: mes il ne
genulee, come en fesant Ho-
mage. Et de ceo veies apres
en le Title Homage. Auxy
Fealtie est incident a tous
manners de Tenures.

Fee.

FEE (Feodum) is in our Law
an equivocall word of di-
vers significations: for it is
most usually taken for an
Estate of inheritance in Lands
and Tenements to one and
his heirs, or to one and the
heirs of his body. But it is
used also for the Compasse,
circuit or extent of a Lordship
or Mannor. And from thence
comes the ordinary Plea in
Bar to an Avowry. That the

Fee.

FEE (Feodum) est en
nostre Ley vox equivocale
des divers significations:
car est plus communement
prise pur un Estate del inhe-
ritance en Terres ou Tene-
mens al un & ses heirs, ou
al un & les heirs d son corps.
Mes est use auxy pur le Com-
passe, circuit ou extent d'un
Seigniorie ou Mannor. Et de
ceo venust l' ordinarie Plee e
Barre al un Avowry, Que le
A 2 2 Terre

Terre sur que il avow est hors de son Fee. Et tiercement, il est prise pur le Reward ou Salarie don al ũ pur l' execution de son Office; cōe le Fee dun Forrester, ou le Gardein dun Parke, ou le Fee dun Visc' pur l' server dun Execution, come est limit p l' Statute 29 El. c. 4. Et illint est auxy prise pur ceo Consideration q̄ est don al un Sergeāt al Ley, ou al un Pleader, ou un Physician, pur lour Counsel ou advise en lour p̄fession, que (come est bien observe per Sr. J. Davies, en son Preface a ses Reports) nest p̄perint *Merces*, forsque *Honorarium*. Mes uncore en le dialect de n̄re Ley c' est appel son Fee.

Land upon which he abows is out of his Fee. And thirdly, it is taken for a Reward of wages given to one for the execution of his Office; as the Fee of a Forrester, or the Keeper of a Park, or a Sherif's fee for serving an Execution, limited by the Statute of 29 Eliz. cap. 4. And it is also taken for that Consideration which is given a Sergeant at Law, or a Counsellor, or a Physician, for their Counsell or advice in their profession, which (as it is well observed by Sir Jo. Davies, in his Preface to his Reports) is not properly *Merces*, but *Honorarium*. Yet in our Law-language it is called his Fee.

Fee expectant.

FEE expectant: Lou Terres sont don al home & son feme en Frank-marriage, a aver & tener al eux & lour heires, en cest case ont Fee-simple; mes si sont don a eux & les heifs de lour corps, &c. ont Taile & Fee expectant. Kitch. fol. 153.

Fee expectant.

FEE expectant: Where Lands are given to a man and his wife in Frank-marriage, to have and to hold to them and their heirs, in this case they have Fee-simple; but if they are given to them and the heirs of their body, &c. they have Tail and Fee expectant. Kitch. fo. 153.

Fee Farm.

FEE Farm est, quant un Tenant tient de son Seigneur en Fee-simple, rendant a luy value del moietie, ou de tierce, q̄rt, ou aũ part del Ter. e pan. Et il que tient en Fee Farm ne doit

Fee Farm.

FEE Farm is, when a Tenant holds of his Lord in Fee-simple, paying to him the value of half, or of the third, fourth, or other part of the Land by the year. And he that holds by Fee Farm ought not to

to pay Relief, or doe any other thing that is not contained in the Feoffment, but fealty, for that belongs to all kind of Tenures.

payer Reliefe, ou faire autre chose, mes sicome est contein en le Feoffment, forsq Fealties, car c' appent a tous maners Tenures.

Fee-simple.

Fee-simple.

Fee-simple is, when any person holds Lands or Rent, or other thing, inheritable to him and his Heirs for evermore; and these words, His Heirs, make the Estate of Inheritance; for if Land be given to a man for ever, yet he hath but an Estate for life.

Also if Tenant in Fee-simple die, his first Son shall be his Heir; but if he have no Son, then all his Daughters shall be his Heirs, and every one shall have her part by partition: but if he have no Son nor Daughter, then his next Cousin collateral of the whole blood shall be his Heir.

Fee-simple est, quant ascun person tient Terre ou Rent, ou autre chose, inheritable a luy & ses Heires a tous jours; & ceux pols, Ses Heires, font l' Estate d' Enheritance; car si Terre soit done a home a tous jours, unc' il nad forsq Estât p vie.

Auxy si Tenât en Fee-simple devie, son primer Fils serra son Heire; mes sil nad Fils, donque tous les Fils serreront son Heire, & chescun avera son part p partie: mes sil nad Fils ne File, donques son prochain Cousin collateral de l' entiere sanke serra son Heire.

Felo de se.

Felo de se.

Felo de se is he that commits Felony by murdering himself. See Crompt. Justice of Peace, fol. 28.

Felo de se est il q commit Felony p murdring soy mesme. Veies Crompt. Justice de Paix, fol. 28.

Felonie.

Felonie.

Felonie is a general term, which comprehends divers heinous Offences, for which the Offenders ought to suffer death, and lose their Lands. And it seems that they are

Felonie est un general terme, q comprehend divers heinous Offences, pur que l' Offendours doient suffer mort, & perdre leur Terres. Et semble que eux sont

appelles Felonies del Latine parol *Fel*, que est en Anglois *Gall*, en Francois, *Fiel*; ou del ancient parol Anglois, *Fell*, ou Fierce, pur ceo que sont entends destr' faits *fellico animo*, with fell, fierce, ou mischievous mind. Quant home sans asc' colour de Ley emblea les biens d'un aut, ammountant al value de xii. deniers ou pluis, ceo est *Larceny*: mes si un approcha a le Person d'un aut en le Haultchimin, & luy robba d' ses biens, mesq' ils ne s'ot forsq' al value de ii deniers, il est *Felonic*; & ceo est appel *Robberie*, & pur ceo il serra pendue.

called Felonies of the Latine word *Fel*, which is in English *Gall*, in French, *Fiel*; or of the ancient English word *Fell*, or *Fierce*, because they are intended to be done with a fell, fierce, or mischievous mind. When a man without any colour of Law steals the goods of another, amounting to the value of twelve pence or more, that is *Larceny*: but if he approaches the Person of another in the High-way, and robs him of his goods, although it be but to the value of one penny, it is *Felony*; and that is called *Robbery*, and therefore he shall be hanged.

Fence-moys.

F'*ence-moys* est un parol del Forrest, & signifie le space d' 31 jours e' l'an, cest-à-savoir, 15 jours devant Midsummer, & 15 jours apres, en quel temps est prohibé p' aucun home d' chaser en le Forrest, ou de passer en ceo p' disturber les feres. Le reason de que est, p' ceo que a ceo temps parturiunt Dames. Et p' ceo cest *Moys* est appel le *Fence-moys*, ou *Defence-moys*, eo que les Dames sont adonq' destre deffends del fright ou terror. See *Manw. Forrest Leys*, cap. 13. fol. 95. b.

Fence-moneth.

F'*ence-moneth* is a Forrest word, and signifies the time of 31 days in the year, that is to say, 15 days before Midsummer, and 15 days after, in which time it is forbidden for any man to hunt in the Forrest, or to go into it to disquiet the wild beasts. The reason of which is, because the female Deer do then fawn. And therefore this Moneth is called the *Fence-moneth*, or *Defence-moneth*, for that the Deer are then to be defended from scare or fear. See *Manw. Forrest Laws*, cap. 13. fol. 95. b.

Feodarie.

FFeodarie was an Officer in the Court of Wards, appointed by the Master of that Court, by virtue of the Statute 32 H.8.c.46. to be present with the Escheator in every County at the finding of Offices, and to give in evidence for the King as well for the Value as the Tenure. And his Office was also to survey the Lands of the Ward after the Office found, and to return the true value thereof into the Court; to assign Dower unto the King's Widows; to receive all the Rents of the Ward's Lands within his Circuit, and to answer them to the Receiver of the Court. But by the Stat. 12 Car.2.c.24. for Abolishing the said Court.

Feoffment.

FFeoffment is, where a man gives Lands, Houses, or other corporal things which are hereditary, to another in fee-simple, and thereof delivers Seisin and Possession. Also if one make a Gift in tail, or a Lease for life, Liberty and Seisin must be given, or else nothing shall passe by the Grant.

Feoffor and Feoffee.

FFeoffor is he that infeoffs or makes a Feoffment to another of Lands or Tenements in

Feodarie.

FFeodarie fuit un Officer en le Court de Gards, appointé par le Mr. de ceo Court, par vertu del Statute 32 H.8.c.46. destre present avecque l'Escheator en-chef Courtie al trover des Offices, & a doner evidence pur le Roy cybien pur le Value come pur le Tenure. Et son Office fuit auxy pur survey les Tires le Gard apres l'Office trouve, & par retourne le verie value d'eux en le Court; par assigner Dower as Vefues le Roy; par receiver tous les Rents des Terres les Gardes deins son Circuit, & par eux responder al Receiver le Court. Mes veies le Stat. 12 Car.2.c.24. par Abolir le dit Court.

Feoffment.

FFeoffment est, l'on donne une Terre, Measons, ou tiel choses corporal hereditable, a un autre en Fee-simple, & d'ceo deliver Seisin & Possession. Au cas si on fait Done en le taile, ou Lease de vie, il convient de done Liverie & Seisin, ou autrement riens passera par le Grant.

Feoffor & Feoffee.

FFeoffor est celui qui infeoffe ou fait Feoffment a un autre de Tires ou Tenements en

Fee-simple : Et *Feeffee* est celui q est enfeoffe, ou a q le *Feeffment* est issint fait.

Fee-simple : And *Feeffee* is he who is infeoffed, or to whom the *Feeffment* is so made.

Ferdfare.

Ferdfare.

F*Erdfare*, hoc est, quietum esse de cundo in Exercitum, *Flet.l.i.c.47.*

F*Erdfare* is, to be quit from going to War. *Flet. lib. i. c: 47.*

Ferdwit.

Ferdwit.

F*Erdwit*, hoc est, quietum esse de Muro in Exercitu facto, *Flet.l.i.c.47.*

F*Erdwit* is, to be quit of Murther committed in the Army, *Flet.l.i.c.47.*

Feude.

Feud.

F*Eude*, ou *Mortal Feude*, est ũ parol *Germanois*, & signifie ũ Haine emplacable, q ne poit estre satisfe fors q ove le mort del enemie : tiel est ceo en les hōes d'*Scotland* & e le Nord parts d'*Angleterre*, q est un Combination d tout le Consanguinitie p le vengeance del mort d'asc' d leur sanke sur l'*Homicide* & tout son race. Et cest pol est mention e le Stat d 43 *El. c.13.*

F*Eud*, or *Deadly Feud*, is a German word, and signifies implacable Hatred, not to be satisfied but with the death of the enemy: such is that amongst the people in *Scotland* and in the Northern parts of *England*, which is a Combination of all the kindred to revenge the death of any of the blood upon the Slayer and all his race. And this word is mentioned in the Stat. of 43 *Eliz.c.13.*

Fieri facias.

Fieri facias.

F*ieri facias* est un Brief judicial, & gist lou home recovers *Det* ou *Dammages* en Court le Roy; donques il avera cest Brief al Viscount, luy commandant que il leve le *Det* & les *Dammages* des biens celui vers que le *Recoverie* est ewe: & gist

F*ieri facias* is a Writ judicial, and lies where a man recovers *Debt* or *Dammages* in the King's Court; then he shall have this Writ to the Sheriff, commanding him that he levy the *Debt* and *Dammages* of the goods of him against whom the *Recovery* is had: and it lies only

only within a year and a day, and after the year he must sue a *Scire facias*; and if the party be warned, and doth not come at the day, &c. or if he come, and can say nothing, then he who recovers shall have a writ of *Fieri facias* directed to the Sheriff, that he make Execution of Judgment.

But if a man recover against a woman, and she take a husband within the year and the day; then he that recovers must have a *Scire facias* against the husband.

So it is if an Abbot or Prior recover and die, his Successour within the year shall have a *Scire facias*. See thereof more in the Title *Scire facias*, and Title Execution.

Fifteenth.

Fifteenth. See *Quinzisme*.

Filazer.

Filazer (of the French word *Filace*, id est, a Thread) is the name of an Officer in the Common Pleas, of which there are 14. They make out all the Original Process there, and the Distress infinite upon Summons returned in personal Actions, and the *Capias* upon the return of *Nihil*, and all Writs of View in cases where the View is prayed. And where the Appearance is with them, they enter the Imparlance, and the ge-

seulement deins l'an & jour, & apres l'an luy covient suer un *Scire facias*; & si le partie soit garnie, & ne vient al jour, &c. ou sil vient, & ne sca voit rien dire, donques celui que recouvrera avera Brief de *Fieri facias* direct al Viscount, que il face Execution de Judgement.

Mes si home recouvrera vers un feme, & el prist baron deins l'an & jour; donques il covient que cestuy que recouvrera avera *Scire facias* vers le baron.

Auxy est si Abbot ou Prior recover & devie, son Successor deins l'an avera *Scire facias*. Vide de ceo pluis en le Title *Scire facias*, & Title Execution.

Fifteenth.

Fifteenth. Veies *Quinzisme*.

Filacer.

Filacer (del parol *Francois Filace*, id est, *Filum*) est le nosme d'un Officer en le Common Pleas, des queux sent icy 14. Ils font tous les Original Proces la, & le Distress infinite sur Summons retourne en Actions personals, & le *Capias* sur le retourne del *Nihil*, & tous Briefs de View en cases lou le View est prie. Et lou le Appearance est ove eux, ils enter l'Imparlance, & le general

neral Issue en common Actions, & Judgements per Confession devant Issue joyne, & font Briefs d'Execution sur eux. Et ils font Briefs de *Superfedeas* apres *Capias* agard, quant le Defendant appere en lour Office. Et cest Officer est mention é les Statutes de 10 H. 6. c. 4. & 18 H. 6. c. 9.

neral Issue in common Actions, and Judgments by Confession before Issue joyned, and make out Writs of Execution upon them. And they make Writs of *Superfedeas* after a *Capias* awarded, when the Defendant appears in their Office. And this Officer is mentionen in the Statutes of 10 H. 6. c. 4. & 18 H. 6. c. 9.

File.

File (*Filacium*) est Filum vel Chorda quo Brevia & alia Curris Exhibita trahuntur, pro meliori conseruatione eorundem.

File.

File (*Filacium*) is a Thread or Wire upon which Writs and other Exhibits in Courts are put, for the safer keeping of them together.

Finders.

Finders est ū pol mention ē multis Statutes, come en 14 R. 2. c. 10. 17 R. 2. c. 5. 1 H. 4. c. 13. & 31 H. 6. c. 5. & semble destir tout ū ove ceux Officers qux ore nous appellomus *Scrutatores*, imployes p le Trover des biēs imports ou exports sans payer del *Custō*.

Finders.

Finders is a word used in many Statutes, as in 14 R. 2. c. 10. 17 R. 2. c. 5. 1 H. 4. c. 13. and 31 H. 6. c. 5. and seems to be all one with those Officers which we now call Searchers, imployed for the discovery of goods which are imported or exported without paying Custom.

Fine.

Fine asc' foits est prise pur un Summe d'argent quel asc' est de payer al Roy pur ascun contempt ou offence; quel Fine chesc' q comit asc' Trespas, ou q est convict q il fausement denie son Fait, ou sefoit ascun chose en contempt del Ley, payera al Roy:

Fine.

Fine sometimes is taken for a Summe of money which one is to pay to the King for any contempt or offence; which Fine every one that commits any Trespass, or is convict that he falsly denies his own Debt, or did any thing in contempt of Law, shall pay to the King: which

which is called Fine to the King.

Sometime a Fine is taken for a final Agreement which is had between any persons concerning any Land or Rent, or other thing, whereof any Suit or writ is between them hanging in any Court; which may be divers ways: One is, when any party acknowledges that to be the right of the other, as that he hath of the Gift of him that made the Recognisance, which alway supposes a Feoffment going before, and is called a Fine executed: Or if he acknowledges that to be the right of another, omitting these words (come ceo que il eit de son Done,) this being a Fine upon acknowledging of right onely, if it be levied to him which hath the Freehold of the Land, is a Fine upon a Release.

If he that acknowledged it is seized, and he to whom it is levied hath not the Freehold of the Land, then it is called a Fine executory, which he to whom the Land is acknowledged may execute by Entry, or Scire facias.

Sometime such a Fine Surconsance de droit only is to make a Surrender: therein is rehearsed, that the Reconusor hath an Estate for life, and the other a Reversion.

Sometime it is taken to passe a Reversion, where a particular Estate is recited to be in another, and that the Reconusor will that the other shall have the Reversion, or that the Land

quel est appel *Fine al Roy*.

Afcun foirs *Fine* est prise pur un Final Concord quel est ewe enter aucuns persons touchant asc' Tfe ou Rent, ou auter chose, dont asc' Suit ou Brief est enter eux pendant en asc' Court; quel poit este en divers manners. L'un est, quant l'un partie reconust ceo est le droit del autr, cõe ceo q il eit del Done cestuy q fesoit le Reconusans, quel tous foirs suppose un Feoffment precedent, & est dit *Fine execute*: Ou si il reconust ceo destre le droit del auter, ommittant les parols (come ceo que il eit de son Done,) c'esteant *Fine* sur conusans de droit tant, si soit levie a cestuy q eit le Franktenement del Terre, est *Fine sur Release*.

Si cestuy que ceo conust est seise, & celuy a que est levie neit le Franktenement del Tfe, donques est dit *Fine executorie*, quel cestuy a q le Tfe est conus poit executer per *Entree*, ou *Scire facias*.

Afcun foirs tiel *Fine Surconsans de droit* tantum est p faire un Surrender: lou en ceo est repeat, q le Reconusor eit Estate p vie, & l'aut en Reversion.

Afcun foirs ceo est ewe de passer un Reversion, lou particulier Estate est recite desli en auter, & que le Reconusor voit que l'auter avera le Reversion, ou que le Terre re-

remaine al auter apres le particular Estate finie.

Et ascun foits celuy a q le droit est conus, come ceo q il ad del Done le Reconusor, rendra le Tfe ou ũ Rent hors de ceo al Conusor. Et ceo asc' foits pur l'entire Fee; ascun foits p un particular Estate, ove Remainder ou Remainders ouster; & asc' foits ove Reservation d Rents ove Distresse & Graunt d ceo ouster per mesme Fine.

Est appel *Fine*, quia p ceo le Suit est *determine*; & si ceo soit record ove Proclamation, solonque le Statute 4 H. 7. ceo barre Estrangers.

Fine force.

F*ine force* signifie un absolute Necessitie; sicōe lou hōe est constreine d faire asc' chose le q̄l ne poit p asc' voy avoid, nous disom' q̄ il fist c' d *Fine force*. Et issint cest pol est use ē Perk. sc. 321. ē Woodland & Mantel's Case, ē Plow. f. 94. b. & ē Eaton's Case cite ē Foxly's Case ē le 6. re. f. 111. a.

Finors.

F*inors* sont ceux q purifioit Or & Argent, & eux sever per feu & eau del Metals plus base & vile; & pur ceo en le Statute de 4 H. 7. c. 2. sont auxy appels *Parters*.

shall remain to another after the particular Estate spent.

And sometime he to whom the right is acknowledged, as that which he hath of the Gift of the Reconusor, shall yield the Land, or a Rent out thereof, to the Conusor. And that sometime for the whole Fee; sometime for one particular Estate, with Remainder or Remainders over; and sometime with Reversion of Rents with Distresse and Grant thereof over by the said Fine.

It is called a Fine, because thereby the Suit is ended; and if it be recorded with Proclamation, according to the Statute 4 H. 7. it bars Strangers.

Fine force.

F*ine force* signifies an absolute Necessity; as when a man is compelled to do that which he can no way avoid, we say he doth it de *Fine force*. So this word is used in Perk. sect. 321. in Mantell and Woodland's Case, in Plowden, f. 94. b. and in Euton's Case cited in Foxly's Case in the 6. rep. f. 111. a.

Finors.

F*inors* are those that purifie Gold and Silver, and part them by fire and water from courser Metals; and therefore in the Statute of 4 H. 7. c. 2. they are also called *Parters*.

Fire-bote.

Fire-bote is necessary & good to burn, which, by the Common Law, Lessee for years or for life may take in his Ground, although it be not expressed in his Lease; and although it be a Lease by Word onely without Writing: But if he take more then is needful, he shall be punished in Waste.

First-fruits.

First-fruits (*Primitiæ*) are the Profits of every Spiritual Living for a year, which were anciently given to the Pope; but by the Statute of 26 H. 8. c. 3. are now transferred to the King.

Fledwite.

Fledwite is, to be quit from Amerciaments, when an outlawed Fugitive comes to the King's Peace of his own Will, or being licensed.

Flemeswite.

Flemeswite is, that you may have the Cattel or Amerciaments of your Fugitive man.

Fletwit.

Fletwit, or Flitwit, is, to be quit from Contention and Condicts, and that you may

Fire-bote.

Fire-bote est necessary Boys p arder, quel, p le Common Ley, Lessee pur ans ou pur vie poit prender en son Tfe, nient obstant il ne soit expresse en son Lease; & nient obstant il soit un Lease p Parol tantum sans Fait: Mes sil prist plus que besoigne, il serra punie en Waste.

First-fruits.

First-fruits (*Primitiæ*) sont les Revenues de chescun Spiritual Benefice pur un an, queux e auncient temps furent dones al Pape, mes p le Statute de 26 H. 8. c. 3. sont ore transferres al Roy.

Fledwite.

Fledwite est, quietum esse de Amerciamentis, cum quis utlagatus Fugitivus veniat ad Pacem Domini Regis sponte vel licenciatus.

Flemeswite.

Flemeswite est, quod habeatis Catalla sive Amerciam' hominis vestri Fugitivi.

Fletwit.

Fletwit, ou Flitwit, est, quietum esse de Contentione & Cōdictis, & quod habeatis

beatis Placitum inde in Curia vestra, & Amesciamta; quia Flit Anglicè est Tenson Gallicè.

have Plea thereof in your Court, and the Amerciament; for Flit in English is Tenson in French.

Floatsam.

Floatsam.

Floatsam ou Flotson est, quant un Niese est submerge ou autrement perish, & les biens float sur la Mere, & ils sont dones al Seignieur Admiral per ses Letters Patents. Veies Coke, lib. 5. f. 106.

Floatsam oz Flodson is, when a Ship is sunk oz otherwise perished, and the goods float upon the Sea, and they are given to the Lord Admiral by his Letters Patents. See Cok. lib. 5. fo. 106.

Folkmoot.

Folkmoot.

Folkmoot signifie (selon Lambert en son Exposition del Saxon parols) deux kinds del Courts; l'un ore appel le County Court, l'auter le Sherifs Tourne. Et en Londres il signifie a cest jour celebrem ex omni Civitate Conventum. Stow's Survey.

Folkmoot signifies (according to Lambert in his Exposition of Saxon words) two kinds of Courts; one now called the County Court, the other the Sherifs Tourne. And in London it signifies at this day celebrem ex omni Civitate Conventum. Stow's Survey.

Footgeld.

Footgeld.

Footgeld est un Amereialement pur nient predrant hors les Balls des pees d'graüd Chiens & l' Forrest; p q veies Expeditate: Et destre quit de Footgeld est un priviledge & aver Chiés irregular deins l' Forrest sans paine ou controlle. Crompt. Jurisd. fol. 197. Manwood, part 1. pag. 86.

Footgeld is an Amerciament for not cutting out the Balls of great Dogs set in the forrest, for which see Expeditate: And to be quit of Footgeld is a privilege to keep Dogs without punishment or controll. Crompt. Jurisd. fol. 197. Manwood, part 1. pag. 86.

Forcible Entry.

Forcible Entry is a Violent actual Entry into House or Land; or taking a Distress weaponed, whether he offer Violence or no. *West*, part 2. *Symb. tit. Inditement*, Sect. 65.

Forest, or Forrest.

Forest is a place privileged by Royal authority, or by Prescription, for the peaceable abiding and nourishment of the Beasts or Birds of the Forest, for disport of the King: for which there have been in ancient time certain peculiar Officers, Laws and Orders, part of which appear in the great Charter of the Forest.

Forester.

Forester is an Officer of the Forest, sworn to preserve the Vert and Venison of the Forest, to attend upon the wild Beasts within his Bailiwick, to watch and keep them safe by day and by night, to apprehend all Offenders there in Vert or Venison, and to present them at the Courts of the Forest, to the end they may be punished according to their Offences.

Forcible Entrée.

Forcible Entrée est un Violent actual Entrée en Meason ou Terre; ou prend Distres oves armes, soit q il offer Violence ou nemy. *West*, par. 2. *Symb. tit. Inditement*, Sect. 65.

Forest, ou Forrest.

Forest est un lieu privileged p authoritè Royal, ou per Prescription, pur le peaceable abode & nourishment del Beasts ou Oiseaux del Forrest, pur le disport del Roy: Pur q x ont est en ancient temps certaine peculiar Officers, Leyes & Orders, part de q x appearont en le grand Charter de le Forrest.

Forester.

Forester est un Officer del Forest, q est jure p preserve le Vert & Venison del Forest, pur attendre sur les Feres deins son Bayliwick, & euz veiller & sagement garder per jour & per nuit, pur atacher tous Offendours la ou en Vert ou en Venison, & euz de presenter as Courts del Forest, al intent q poient estre la punies selonq leur Delicts.

Forfeiture del Marriage.

Forfeiture del Marriage fuit un Brief q̄ gisoit p̄ le Seignior en Chivalry vers son Gard, q̄ refuse un convenable Marriage tender a luy per son Seignior, & deins age marrie un auter sans l' assent son Seignior. Et veies pur ceo Fitz. N. B. fo. 141. g. &c.

Forger des faux Faits.

Forger des faux Faits ve-nust de pol Francois Forger, que signifie Fabricare, framer & fashioner, come un Forgeron son ouvrage sur le Enclume. Et est use en nre Ley p̄ l' Fraudulent feaſance & publisher des faux Faits al prejudice del droit dun auter. Fitz. en son N. B. fo. 96. B. C. dit que Bfe d' Disceit gist vers celuy que issint forge aucun Fait.

Forjudger.

Forjudger est un Judgment done en un Bfe de Mesne, port per un Tenant envers le Mesne Seignior, q̄ doit acquiter le Tenant des Services demandes per le Seignior paramount, de q̄ le Tenement est tenus, & l' Mesne ne voile appeare; donques Judgment serra done, que l' Mesne Sñr

Forfeiture of Marriage.

Forfeiture of Marriage was a Writ that lay for the Lord by Knight's Service against his Ward, who refused a convenient Marriage offered him by his Lord, and married another within age without the assent of his Lord. And so for this Fitz. N. B. fo. 141. g. &c.

Forger of false Deeds.

Forger of false Deeds comes of the French word Forger, which signifies to frame or fashion a thing, as the Smith doth his work upon his Anvil. And it is used in our Law for the fraudulent making and publishing of false Writings to the prejudice of another man's right. Fitz. in his N. B. f. 96. B. C. says that a Writ of Deceit lies against him that thus forges any Deed.

Forjudger.

Forjudger is a Judgment given in a Writ of Mesne, brought by a Tenant against a Mesne Lord, who should acquit the Tenant of Services demanded by the Lord above of whom the Tenement is holden, and the Mesne will not appear; then Judgment shall be given, that the Mesne Lord shall

shall lose his Seigniorie, and that the Tenant from thenceforth shall hold of the Lord above by such Suits as the Mesne held before, and shall be discharged of the Services which he yielded to the Mesne, by the Statute of Westm. 2. ca. 9. which is called a Forjudger.

Also if an Attourney or other Officer in any Court be put out and forbidden to use the same; he is said to be forjudged the Court.

perdra son Seigniorie, & que le Tenant dillonques tiendra del Seignior paramount per tiels Services come l' Mesne tenoit devant, & serroit discharge del Services qu'il rendoit al Mesne, per le Statute de westm. 2. cap. 9. q est appel un Forjudger.

Et auxy si un Attorney ou autre Officer en aucun Court soit ouste & prohibite de user ceo, il est dit destre forjudge le Court.

Formedon.

Formedon is a Writ that lies where Tenant in tail in= fcoffs a Stranger, or is dis= seised, and dies; his Heir shall have a Writ of Formedon to re= cover the Land. But there are three manner of Formedons. One is in the Discender, and that is in the case before said. And if one give Land in the taile, and for default of issue the Remainder to another in the taile, and that for default of such issue the Land shall re= vert to the Donor; if the first Tenant in taile die without issue, he in the Remainder shall have a Formedon in the Re= mainder: But if the Tenant in the taile die without issue, and he in the Remainder also die without issue, then the Donor or his heirs shall have a Formedon in the Reverter.

Formedon.

Formedon est un Brief, & gift lou Tenant e le taile infeoffa un Estrang', ou est disseise, & devie; son Heire avera Brief de Formedon p recover le Terre. Mes sont trois Briefs de Formedon. Un est en le Discender, & ceo est en le case avantdir. Auxy si un done Terre en le taile, & pur default de issue le Re= maindera un aut en le taile, & que pur default de tiel is= sue le Terre revertera al Do= nor; si le primer Tenant en le taile devie sans issue, cestuy en le Remainder avera un Brief de Formedon en le Remainder: Mes si le Te= nant en le taile devie sans is= sue, & cestuy en le Remain= der auxy devie sans issue, don= qs l' Donor ou ses heirs avera un Formedon en le Reverter.

Forrein.

FORrein est un parol adje-
ctive use; & joyne ove
divers substantives: come
Forrein matter triable en au-
ter Countie, Pl. Cor. 154.
ou mat^e fait en aurer Coun-
tie, *Kitch. fol. 126.*

Forrein Plea est un refusal
del Judge come incompe-
tent, pur ceo que le matter
dependant ne fuit deins ses
Limits, *Kitch. fol. 75. &*
Anno 4 H. 8. cap. 2. & An.
22 ejusdem cap. 2. & 14.

Forrein Respons est tiel Re-
spons que nest triable en le
Countie ou il est fait, *Anno*
15 H. 6. cap. 5.

Forrein Service est tiel Ser-
vice p^r q^u un Mesne S^r tient
ouster d'un aut dehors le cir-
cuit d^e son Fee demesⁿ, *Bro.*
tit. Tenures, fol. 251. num. 12,
& 28. & Kitch. fol. 209. Ou
auser^{nt} ceo que un Tenant
performe ou a son S^r de-
mesne, ou al S^r Paramount
hors del Fee. Car de tiels
Services *Bract. lib. 2. cap. 16.*
num. 7. issint parle:

Ite sunt quedã Servitia que
dicuntur Forinseca, quomvis
sunt in Charta de Feoffamento
expressa & nominata, & que
ideo dici possunt Forinseca,
quia pertinent ad Dominũ Re-
ge, & nõ ad Dominũ Capitale,
nisi cum in propria persona pro-
fessũ fuerit in Servitio, vel nisi
cũ pro Servitio suo satisfecerit

Forrein.

FORrein is a word adjectively
used, and joyned with di-
vers substantives: as *Forrein*
matter triable in another Coun-
ty, Pl. Cor. 154. or matter
done in another County, Kitch.
fol. 126.

Forrein Plea is a refusall of the
Judge as incompetent, be-
cause the matter in hand was
not within his Precincts,
Kitch. fol. 75. & Anno 4 H. 8.
cap. 2. & Anno 22 ejusdem cap. 2,
& 14.

Forrein Answer is such an An-
swer as is not triable in the
County where it is made, *Anno*
15 H. 6. cap. 5.

Forrein Service is such Ser-
vice whereby a Mean Lord
holds over of another without
the compass of his own fee, *Bro.*
tit. Tenures, fol. 251. num. 12,
& 28. and Kitch. fol. 209. Or
else that which a Tenant per-
forms either to his own Lord,
or to the Lord above him out of
the fee. For of such Services
Bracton lib. 2. cap. 16. num. 7.
speaks thus:

Also there are certain Servi-
ces which are called *Forrein*,
though they be named and ex-
pressed in the Charter of Feoff-
ment, and may therefore be
called *Forrein*, because they ap-
pertain to our Lord the King,
and not to the chief Lord, un-
lesse when he goes in service
in person, or that he satisfies
our

our Lord the King for the Service by some kind of means; and they are performed at certain times, when occasion and necessity require, and they have divers and sundry names: For sometime they are called *Forreins*, the word taken largely, as to the King's Service, sometime *Escuage*, sometime Service of the King; and it may therefore be called *Forreia*, because it is done and taken without, or beside Service done to the Lord Paramount. See Broke, Tenures 28, 95.

Forrein Service seems to be Knight's Service, or *Escuage* uncertain, Perkins, sect. 650.

Forrein Attachment is an Attachment of the goods of Forreiners within any Libertie or City, for the satisfaction of any Citizen to whom the said forreiner owes money.

Forrein Apposer is an Officer in the Exchequer, to whom all Sheriffs and Bailiffs do repair, by him to be apposed of their Green wax: And from thence he draws down a charge upon the Sheriff or Bailiff to the Clerk of the Pipe.

Forfechoke.

Forfechoke seems to signifie as much as Forsaken, in our modern language: It is especially used Anno 10 Edw. 1. cap. unico, for Lands or Tenements seized by the Lord, for want of Services due from his Tenant, and so quietly held

Domino Regi quocunque modo & sunt in certis temporibus cum casus & necessitas eveni- rit, & varia nomina habent & diversa: Quandoq; enim nomi- nantur Forinseca, large sum- pto vocabulo, quoad Servitium Domini Regis, quandoq; Scu- tagium, quandoque Servitium Domini Regis; & ideo Forin- secum dici potest, quia fit & capitur foris, sive extra Servi- tium quod fit Domino Capitali. Veies Bro. Tenures 28, 95.

Forreine Service semble de- stre Service de Chivaler, ou *Escuage* non certain, Perkins, sect. 650.

Forreine Attachment est un Attachant des biens de For- reiners deins aucun Franchise ou Citie, pur le satisfaction de asc' Citizen a que le dit Forreiner doit argent.

Forreine Apposer est un Officer en le Exchequer, a q' routs Viscounts & Bailiffs viendront, per luy destre ap- pose de leur Greene wax: Et de ceo il treit un charge sur le Viscount ou Bailife al Clerke del Pipe.

Forfechoke.

Forfechoke seble de signi- fier si moult come *Forsaken*, e nre modern language: Il est especialmt use An. 10 Ed. 1. c. unico, p' Tfs ou Te- nemts seise p le Sñr, p' de- falt del Services due a son Tñr, & issint quiere tñ

& possesse passe le an & jour.

and possessed beyond the year and day.

Forestaller.

Forestaller est celuy q̄ achat Bles, Avers, ou auf Merchandize quecunq̄, p le chemin q̄ il vient al Markets, Faires, ou tiels semble lieux destre vende, al entent a vender ceo al un pluis hault & chare price, en prejudice de le Commonweale & gents, &c.

Le Penaltie pur ceux q̄ux sont conviēt de ceo est, le premier temps, Imprisonnēt pur deux moys, & p̄ de le value del chose vende.

Le second temps, Imprisonment p le space de demy an, & per̄ le double value des biens, &c.

Le tierce temps, Imprisonment durant le pleasure le Roy, & judgemēt del Pillory, & forfeit d̄ routs ses biens & chareux. Veies le Statute 5 Ed. 6. cap. 14.

Forstall.

Forstall est, quietum esse de Amerciamentis & Catal' arrestatis infra Terram vestram, & Amerciamta inde provenientia.

Founder.

Founder est cestuy que use l'art d̄l Amolir ou dissol-

Forestaller.

Forestaller is he that buies Corn, Cattell, or other Merchandize whatsoever, by the way as it comes to Markets, Fairs, or such like places to be sold, to the intent to sell the same again at a more high and dear price, in prejudice of the Common-wealth and people, &c.

The Pain for such as are convicted thereof is, for the first time, two moneths Imprisonment, and losse of the value of the thing sold.

The second time, Imprisonment by the space of half a year, and losse of double value of the goods, &c.

The third time, Imprisonment during the King's pleasure, and judgement of the Pillory, and to forfeit all his goods and chattels. See the Statute 5 Ed. 6. cap. 14.

Forstall.

Forstall is, to be quit of Amerciaments and Cattels arrested within your Land, and the Amerciaments thereof coming.

Founder.

Founder is he that uses the Art of Melting or dissolving

ing Metals, and making any thing thereof by casting in Molds. He seems to have his name from the Latine word *Funderes*, and is mentioned in the Statute of 17 R. 2. cap. 1.

ver Metals, & de faire ascun choses d'eux per jecter en Molds. Semble daver son nomme del Latine parol *Funderes*, & est mention en le Stat de 17 R. 2. cap. 1.

Fourcher.

Fourcher is a devise used to delay the Plaintiff or Demandant in a Suit against two, who thereto are not to answer till they both appear, and the Appearance or Essoin of one will excuse the others Default at that day; and they agree, that the one shall be essoined or appear one day, and for lack of the Appearance of the other, have day over to appear, and the other party shall have the same day; and at that day the other will appear or be essoined, and he that appeared or was essoined before will not then appear, because he hoped to have another day by the Adjournment of the party who then appeared or was essoined. This is called Fourcher, and in some cases the mischief thereby is remedied by the Statute of Gloucester, cap. 10. and Westminster. 1. cap. 42.

Franchise.

Franchise is a French word, and signifies in our Law an Immunity or Exemption from ordinary Jurisdiction; as for a Corporation to hold Pleas

Fourcher.

Fourcher est un devise use a delayer l'Plaintife ou Demandant en un Suit envers deux, qu'a ceo ne sont d'respondre tantq'ils ambideux appare, & l'Apparance ou Essoin d'un de eux voile excuser le Defalt del aut a cel jour; & eux agreea, q' l'un de eux soleint serra essoine ou apparera al un jour, & p' default del Appearance del aut, avoit jour ouster de appare, & l'aut p'rie avera mesme le jour; & a c' jour l'auter voile appareer ou estre essoine, & cestuy q' devant appareoit ou fuit essoin ne voile donqs appare, p' ceo q' il eseroit daver aut jour p' le Adjournmt del partie q' donqs appiert ou est essoine. Ceo est appel Fourcher, & en ascuns cases le mischiese p' ceo est remedie p' l' Statute de Gloucester, cap. 10. & Westminster. 1. cap. 42.

Franchise.

Franchise est un pol Francois, & signifie e' n're Ley un Immunitie ou exemption d'ordinarie Jurisdiction; cōe p' un Corporation de ten Pleas

deins eux mesmes a tiel value, &c. Veies de ceo en *Vicn N. B. fol. 4. a. b.*

within themselves to such a value, and the like. See of this in the Old Nat. Brev. fol. 4. a. b.

Franches Royal.

F*ranches Royal* est, lou-le Roy grant al un & a ses heires que ils serf quit de Toln, vel hujusmodi.

Franchise Royal.

F*ranchise Royal* is, where the King grants to one and his heirs that they shall be quit of Coll, or such like.

Frank-almoigne.

F*rank-almoigne* est, lou'en ancien temps Terres furent dones a un Abbot & son Covent, ou a un Deane & a le Chapf, & a leur Successeurs, en pure & ppetual *Almoigne*, sans expreller ascun Service certain; ceo est *Frank-almoigne*; & ils sont tenus devant Dieu, de faire Oraisons & Prayers pur la Donor & ces Heires, & p ceo ils ne ferront Fealtie: & si tiels que ont Terres e *Frank-almoigne* ne font ascun Prayers ne Divine Service p les Ames le Donors, ils ne ferront p les Donors a ceo compelles, mes les Donors poyent complaine al Ordinarie, luy preyant que tiel negligence ne soit pluis avant, & l'Ordinarie d droit c' doit faire.

Mes si ū Abbe, &c. tiēt Tfs de son Sñr p certain Divine Service desf fait, cōe d chāter chesc' Venderdie ū Masse, ou de faire auter chose certain; si tiel Divine Service ne soit fait, le Sñr poit di-

Free Almes.

F*ree Almes* is, where in ancient times Lands were given to an Abbot and his Covent, or to a Dean and his Chapter, and to their Successors, in pure and perpetuall Almes, without exprelling any Service certain; this is *Frank-almoign*; and such are bound before God, to make Oraisons and Prayers for the Donor and his Heirs, and therefore they do no fealty: and if such as have Lands in *Frank-almoign* perform no Prayers nor Divine Service for the Souls of the Donors, they shall not be compelled by the Donors to do it, but the Donors may complain to the Ordinarie, praying him that such negligence be no more, and the Ordinarie of right ought to redresse it.

But if an Abbot, &c. holds Lands of his Lord for certain Divine Service to be done, as to sing every Friday a Masse, or doe some other thing; if such Divine Service be not done, the Lord may de-
Strain.

Spain, and in such case the Abbe ought to doe Fealty to the Lord: and therefore it is not said Tenure in Frank-almoign, but Tenure by Divine Service; for none can hold by Frank-almoign, if any certain Service be expessed.

strein, & en tiel case l' Abbe doit faire a le S^r Fealtie: & p^r ceo il nest pas dit Tenure en Frank-almoigne, mes Tenure per Divine Service; car nul poit tener en Frank-almoigne, si soit expresse^d aucun certain Service.

Frank Bank.

Frank Bank or Free Bench are Copihold-lands, which the wife, being married a Virgin, hath after the decease of her husband for her Dower. Kitch. fol. 102. Bract. lib. 4. tract. 6. cap. 13. num. 2. hath these words; There is a custome in those parts, that the wives, their husbands being dead, should have *Frank Bank* of Lands of Sockmans, and hold it in name of Dower. Fitzh. calls this a Custome by which in some Cities the wife shall have all the Lands of her husband for Dower. N. B. fol. 150. See Plow. fol. 411.

Frank Bank sont Copihold-terres que le feme, estant espouse un Virgin, ad apres le mort sa baron p^r sa Dower, Kitch. fol. 102. Bract. lib. 4. tract. 6. cap. 13. num. 2. ad ceux p^rols; *Consuetudo est in partibus illis, quod uxores maritorum defunctorum habeant Francum Bancum de Terris Sockmannorum, & teneant nomine Dotis.* Fitz. appel c^o un Custome, p^r q^{uod} en aucuns Cities le feme avera tous les Terres de sa baron p^r sa Dower, N. B. fol. 150. Veies Plow. fol. 411.

Frank Chase.

Frank Chase is a Libertie, by which all men having Land within this compasse are prohibited to cut down the Wood, or discover, &c. without the view of the Forrester, although it be his own. Crom. Jur. f. 187.

Franke Chase.

Franke Chase est un Franchise, p^r q^{uod} tous h^omes ayant T^ree deins cel copasse sont prohib^{it} de succider le Bois, ou discover, &c. sans le view del Forrester, ni^t obstant q^{uod} soit s^{on} demesne. Crom. Juris f. 187.

Frank Fee.

To hold in Frank Fee is, to hold in Fee-simple Lands

Franke Fee.

To hold in Franke Fee est, a tenir en Fee-simple T^res
B^b 4 plead.

pleadable a la Common Ley,
& nient en Antient de-
mesne.

pleadable at the Common
Law, and not in Ancient de-
mesne.

Franke Ley.

F'*Ranke Ley*: Veies *Crom. Just. de Peace*, f. 151. ou vous poys trove q'c' est p le contrarie: car celuy q' p un offence, come Conspiracie, perde son *Franke Ley*, est dit de cad' en ceux males. 1. Que il ne unques serra impanel sur asc' Jurie du Assise, ou autermt use en disant asc' voierrie: Auxy sil ad asc' chose a faire en le Court le Roy, il ne ced vena en person, mes covient a design son Atturrie: 3. Ses Terres, Biens & Chateaux sont destre seise en les maines le Roy, & ses Terres serroient estreape, ses Arbres eradicat, & son Corps commise al prison.

Franke Marriage.

F'*Ranke Marriage* est, qnt un home seise de Terre en Fee-simple done ceo al auf home & a sa feme, q est fille, soer, ou auterment de kin al Donor, in *frank Marriage*, p vertue de qux parols ils ont un Estate en special taile, & tiendf le Terre del Donor quitte d' tous maners des Services, tanq le quart dgree soit passe, accountant eux mesmes en l' prim dgree,

Frank Law.

F'*Rank Law*: See *Crom. Just. of Peace*, f. 151. where you may finde what this is by the contrary: for he that for an offence, as Conspiracie, loses his Frank Law, is said to fall into these mischiefs. first, that he shall never be impanelled upon any Jury or Assise, or otherwise used in saying any truth: Also if he hath any thing to doe in the King's Court, he shall not approach thither in person, but must appoint his Attourney: 3. His Lands, Goods and Chattels are to be seised into the King's hands, and his Lands must be estreped, his Trees rooted up, and his Body committed to prison.

Free Marriage.

F'*Rec Marriage* is, when a man seised of Land in Fee-simple gives it to another man and his wife, who is the daughter, sister, or otherwise of kin to the Donor, in free Marriage, by virtue of which words they have an Estate in speciall taile, and shall hold the Land of the Donor quit of all manner of Services, untill the fourth degree be past, accounting themselves in the first degree; except

except Fealty, which they shall do, because it is incident to all Tenures, saving Free alms. And such Gift may be made as well after Marriage solemnized, as before. And a man may give Lands to his Son in free Marriage, as well as to his Daughter, by the opinion of Fitzh. in his Writ of Champertie, H.

But it appears otherwise in Littleton, and in Broke, tit. Frank-marriage, pla. 10. And so it was holden clear in Grays-Inne in Lent, an. 1576. 18 Eliz. by M. Rhodes, then Reader there.

Frank-pledge.

Frank-pledge signifies a Pledge or Surety for free-men, according to the ancient Custom of England, for preservation of the publick Peace, See the Statute for View of Frank-pledge, Anno 18 Ed. 1. and see View of Frank-pledge.

Free-hold.

Free-hold is an Estate that a man hath in Lands or Tenements, or Profit to be taken in fee-simple, tail, for term of his own or another's life, in Dower, or by the Courtisie of England: and under that there is no Free-hold; for he that hath Estate for years, or holds at will, hath no Free-

h. non Fealtie, qu'ilz ser-ront, p' ceo q' est incident a tous Tenures, forsque Frank-almoigne. Et tiel Donc' poit estre fait cybien apres Marriage solemnize, come devant. Et home poit done Ters a son Fils en Frank Marriage, cybien come a son File, p' le opinion de Fitzherbert en son B're de Champerty, H.

Mes il appiert auterment en Littleton, & en Broke, tit. Frank-marriage, pla. 10. Et issint il fuit tenuis clere en Greys Inne e' Lent, An. 1576. 18 El. per M. Rhodes, donqs Lector la.

Frank-plege.

Frank-plege signifie un Plege ou Suertie pur Frank-homes, selonque le ancient Custom d'Angleterre, p' preservation del publique Paix. Veies le Stat. p' Vieu de Frank-plege, Anno 18 Ed. 2. & veies Vieu de Frank-plege.

Frank-tenement.

Frank-tenement est un Estate que h'oe ad en Terr's ou Tenements, ou Profit a prendre en Fee-simple, taile, p' terme de s' vie demesne ou dau' vie, en Dower, ou p' le Courtisie d'Angleterre: & south ceo il nest Frank-tenement; car il que ad Estate p' ans, ou tient a vol', nad asc' Frank-tenement,

tenement, mes ils sont appels
Châtelz.

Et de *Frank-tenement* il y
ad deux sorts, viz. *Frank-tenement*
en *Fait*, & *Frank-tenement*
en *Ley*.

Frank-tenement en Fait est,
qnt un home ad entre de
Terres ou Tenements, & est
seisie de ceo realment & actual-
ment: Sicome le pere seisie
de Terres ou Tenements en
Fee-simple devie, & son firs
enter en eux come heir a son
pere, donqs il ad ū *Frank-tenement*
en *Fait* p son *Entrie*.

Frank-tenement en Ley est,
qnt Terres ou Tenements
sont descendus a un home, &
il poit enter en eux quant a
luy pleist, mes nad unc' fait
son *Entrie* en *Fait*: Come ē
le case avantdit, si le pere,
estant seisie de Terres en *fee*,
devie seisie, & ils descend a
son firs, mes l' firs nad unc'
enter en *Fait* en eux, ore de-
vant son *Entrie* il ad un
Frank-tenement en Ley.

hold, but they are called *Châ-
rels*.

And of *Free-holds* there are
two sorts; viz. *Free-hold in
Deed*, and *Free-hold in
Law*.

Free-hold in Deed is, when a
man hath entred into Lands
or Tenements, and is seised
thereof really and actually:
As if the father seised of Lands
or Tenements in *fee-simple*
dies, and his son enters into the
same as heir to his father, then
he hath a *Free-hold in Deed* by
his *Entry*.

Free-hold in Law is, when
Lands or Tenements are de-
scended to a man, and he may
enter into them when he will,
but hath not yet made his *En-
try in Deed*: As in the case a-
foresaid, if the father, being
seised of Lands in *fee*, dies seised,
and they descend to his son, but
the son hath not entered into
them in *Deed*, now before his
Entry he hath a *Free-hold in
Law*.

French-man.

French-man fuit use pur
chescun Alien. *Bracton*,
lib. 3. *Tract.* 2. ca. 15. Veies
Englesbery.

French-man.

French-man was wont to be
used for every *Outlandish-
man*. *Bracton*, lib. 3. *Tract.* 2.
ca. 15. See *Englesbery*.

Frendless man.

Frendless man fuit le veil
Saxon pol p luy q nous
appel' ū *Outlaw*; *nā forisfecit*

Frendless man.

Frendless man was the old
Saxon word for him we
call an *Outlaw*; nam *forisfecit*
Amicos

Amicos suos. Bracton, lib. 3. Tract. 2.
ca. 12.

Amicos suos. Bracton, lib. 3.
Tract. 2. ca. 12.

Fresh Force.

Fresh Force (*Frisca fortia*) is a force committed in any City or Borough, as by Disseisin, Abatement, Intrusion, or Deforcement of any Lands or Tenements within the said City or Borough. For the redressing of which wrong, he that hath right may by the Writ of the said City or Borough have his remedy without Writ, by an Assise or Bill of Fresh Force brought within 40 daies after the force committed, or Title to him accrued. In which Action he may make his protestation to be in the nature of what Writ he will. And see for this matter Fitzh. Nat. Bre. f. 7. C. and Old N. B. f. 4. a.

Fresh Suit.

Fresh Suit is, when a man is robbed, and the party so robbed follows the felon immediately, and takes him with the manner, or otherwise, and then brings an Appeal against him, and doth convict him of the felony by Verdict; which thing being enquired of for the King, and found, the party robbed shall have restitution of his goods again.

Also it may be said that the party made Fresh Suit,

Fresh Force.

Fresh Force (*Frisca fortia*) est un Force commise deins asc' Citie ou Borough, come p Disseisin, Abatement, Intrusion, ou Deforcement des aucuns Terres ou Tenements deins le dit Citie ou Borough. Pur redresser de q' tort, cestuy q' droit ad poit p l' Usage del dit Citie ou Borough aver son remede sans Brief, p un Assise ou Bill de Fresh Force port deins 40 jours apres le Force commise, ou Title a luy accrue. En quel Action il poit faire son protestation de luer en le nature d' quel Brief que il voie. Et veies p ceo matter Fitzh. N. B. f. 7. C. & Vieux N. B. f. 4. a.

Fresh Suit.

Fresh Suit est, quant un home est robbe, & le partie issint robbe pursua le Felon immediatement, & luy prist ove le manner, ou autrement, & donques port u' Appeal envers luy, & luy convince del Felonie p Verdict; le quel chose esteant enquire pur le Roy & trove, le partie robbe avera restitution de ses biens arere.

Item il poit este dit que le partie fait Fresh Suit,
nient

nient obstant q il ne prist le Felon presentmt, mes que il soit demy an ou ũ an apres le Robberie fait devant q il soit prise; si soit issint q le partie robbe fait tant q en luy est p diligent enquirie & search, & luy prender; nient obstant q il est prise p un auter home, ungore c'erra dit *Fresh Suit*.

Fresh Suit est auxy, quant le Sñr vient pur distreine pur Rent ou Service, & l'Owner des Beasts fait rescous, & en chase eux en auters Terres que nest tenu del Seignior, & le Seignior ensue presentmt, & reprist eux. Et issint en auter semblables cases.

Friperer. A long

F*riperer* est un parol use e le Statute de 1 Jac. c. 21. pur un sort des Brokers. Et semble destre un parol prise del Francois *Fripier*, Interpolare; & p ceo un *Friperer* est un que use de Polir vieux Vestiments p vender arere.

Frumgyld.

F*rumgyld* est ũ veil Saxon parol, q signifie le prime Payment fait al kindred de un person occise, en recompence de son Murder. L. L. *Edmundi, c. ult.*

although he take not the Thief presently, but that it be half a year or a year after the Robbery done before he be taken; if so be the party robbed doe what lies in him, by diligent enquiry and search, to take him; yea, although he be taken by some other body, yet this shall be said *Fresh Suit*.

Fresh Suit is also, when the Lord comes to distrain for Rent or Service, and the Owner of the Beasts makes rescous, and drives them into another's Ground not holden of the Lord, and the Lord follows presently and takes them. And so in other like cases.

Friperer.

F*riperer* is a word used in the Statute of 1 Jac. c. 21. for a kind of Broker. And it seems to be a word taken from the French word *Fripier*, to Trick up old things; and therefore a *Friperer* is one that uses to Dress old Clothes to sell again.

Frumgyld.

F*rumgyld* is an old Saxon word, which signifies the first Payment made to the kindred of a slain person, in recompence of his Murder. L. L. *Edmundi, c. ult.*

Fugitives goods.

Fugitives goods are the proper goods of him that lies upon felony, which after the flight lawfully found, do belong to the King. *Coke, vol. 6. f. 109. b.*

Fugitives goods.

Fugitives goods sont les propres goods de luy q fue sur Felonie, le quel, apres le Flight loyalmt trove, appartient a Roy. *Coke, vol. 6. f. 109. b.*

G

Gable.

Gable, Gablum, in ancient Records is an old word that signifies a Rent, Duty, Custom, or Service yielded or done to the King or any other Lord. See the Comment upon Littl. f. 142. a.

G

Gable.

Gable, Gablum, est en antiēt Records un vieux pol q signifie ū Rent, Dutie, Custom, ou Service yeeld ou fait al Roy ou asc' auter S'ir. Veies le Comēnt in Littl. f. 142. a.

Gager de deliverance.

Gager de deliverance is, where one sues a Replevin of goods taken, but he hath not the goods delivered, and the other avows, and the Plaintiff shews that the Defendant is yet possessed of the goods, &c. and prays that the Defendant may gage the Deliverance; then he shall put in Surety or Pledges for the Redelivery, and a Writ shall go forth to the Sheriff to redeliver the goods, &c. But if a man claim property, he shall not gage Deliverance.

And if he say that the Beasts are dead in the Pound, he shall not gage, &c.

Gager de deliverance.

Gager de deliverance est, lorsqu'un suer un Replevin de biens prise, mes il nad Deliverie des biens, & l'auter avowa, & le Plaintife monstra q le Defendant est uncof possesse des biens &c. & pria q le Defendant gagera Deliverance; donques il mistrains Suretie ou Plege pur le Redeliverance, & un Brief issira al Viscount pur redeliverer les biens, &c. Mes si home clame ppertie, il ne gagera Deliverance.

Auxy sil dit que l'Avers sont morts en le Pound, il ne gagera, &c.

Auxy

Auxy home ne gagera jam-
mes l' *Deliverance* avant q' ils
soient alssue, ou Demurrer
en Ley, ut dicitur.

Also a man shall never gage the
Deliverance before they are at Is-
sue, or Demurrer in the Law, as
it is said.

Gainage.

Gainage (*Wainagium*)
semble de venir del pa-
rol Francois *Gaignage*, id est,
Questus sive *Lucrum*; mes e
nostre Ley il signifie le Profit
plus ppermt que venust del
Tillage del Tfe. Et p ceo en
le Statute of *Mag. Chart. c. 14.*
est enact, q' un Villaine serra
amerce salvo *wainage* suo;
& *West. 1. c. 6.* save son *Gai-
nage*; & *c. 17.* est enact, Que
celay q' desforce asc' del deli-
verance des Avers p Reple-
vin, rendra al Plaintife le
double des Damages queux il
ad receive de ses Avers, ou de
son *Gainage* disturbe, &c. Et
p le Statute de Districcione
Seaccaria fait en 31 H. 3. est
enact, Que nul home de Re-
ligion ou auſ serroit distreine
per les Avers que gaine son
Terre.

Gainage.

Gainage (*Wainagium*) seems to
come from the French word
Gaignage, id est, *Gain* or *Profit*;
but in our Law it signifies the
Profit most properly that comes
by the Tillage of Land. And
therefore in the Statute of *Mag.
Chart. c. 14.* it is enacted, that a
Villain shall be amerced saving
his *Gainage*; and in *West. 1. c. 6.*
saving his *Gainure*; and in *c. 17.*
it is enacted, That he that de-
forces any of the deliverance of
his Beasts by Replevin, shall
render unto the Plaintiff his
double Damages which he
hath sustained in his Beasts, or
in his *Gainage* disturbed, &c.
And by the Statute of Dis-
tress of the Exchequer made in
31 H. 3. it is enacted, That no
man of Religion or other shall
be distrained by the Beasts that
gain his Land.

Galli-halpens.

Galli-halpens fuerot cer-
tain Coine phibite p le
Stat. Anno 3 H. 5. c. 1.

Galli-halpens.

Galli-halpens were a certain
Coin prohibited by the
Stat. An. 3 H. 5. c. 1.

Gaole.

Gaole, ou Gayle, ve-
nust de parol Francois
Geole, id est, *Cavola*, mes

Gaole.

Gaole, or Gayle, comes of the
French word *Geole*, which
signifies a Cage for birds, but
me

metaphorically is used for a prison. And from thence the keeper of the prison is called a Gaoler or Gayler.

metaphorice est use par: un Prison. Et de ceo le Gardien del prison est appel ü Gaoler ou Gayler.

Garbe.

GArbe comes of the French Garbe vel Gerbe, which signifies a Bundle of Sheaf. This word is used in the old Stat. called Charra de Foresta, c. 7. where Herbas in the Latine is translated Garbe in English.

Garbe.

GArbe venust del Francois Garbe ou Gerbe, id est, Fascis. Cest parol est use en le vieux Stat. appel Charra de Foresta, c. 7. lou Herbas en le Latine est translate Garbe en Anglois.

Garble.

GArble is to Sort and chuse the good from the bad; as the Garbling of Bow-staves, Anno 1 R. 3. c. 11. and the Garbling of Spice is nothing else but to Purifie it from the Droffe with which it is mixed. See of this at large in the Statute of 1 Jac. c. 19.

Garble.

GArble est de Sorter & selecter le bone chose de le male; come le Garbling de Bow-staves, Anno 1 R. 3. c. 11. & le Garbling d Spice est riens auter fors q Purifie ceo del Droffe ove q il est mixe. Veies de ceo a large en le Statute 1 Jac. c. 19.

Gard.

Gard, or Ward, is, when an Infant, whose Ancestour held by Knight's Service, is in the Ward of Keeping of the Lord of whom those Lands were holden. And if the Tenant hold of divers Lords divers Lands, the Lord of whom the Land is holden by priority, that is, by the more elder Tenure, shall have the Wardship: But if one Tenure be as old as the other, then he that first gets the Ward of the body shall keep

Gard.

Gard est, quant un Enfant, quel Ancestor tient per Service de Chivalrie, est en le Gard & Custodie de le Seignior de q ils fueront tenus. Et si le Tenant tient de divers Seigniors divers Tfes, celuy Seignior de q il tient p priorite, cestascavoir, p le plus antient Tenure, avera le Gard: Mes si un Tenure soit auxy antient q l'auter, donques celuy q primes gaisi le Gard de le corps gardera cap.

eco: Mes chescun Seignior
avera le Gard del Tfe q est
tenus de luy. Et si le Tenant
tient ascun Tfe del Roy en
chief, le Roy per son Prero-
gative avera le Gard del
Corps, & de tout le Tfe q
est tenu de luy, & de chescun
auter Seignior.

Auxy sont divers Briefs
de Gard. Un est *Brief de
Droit de Gard*, & gift lou
le Tenant devie, son Heire
deins age, & un Estranger
entra en le Terre, & happa
d'aver le Gard le Corps de l'
Enfant.

Brief d'Ejectment de Gard
gift, loa home est ouste de le
Gard de Terre, sans le Corps
d'l'Enfant.

*Brief de Ravishment de
Gard* gift, lou le Corps est
prise d'luy solement, & nient
le Terre.

Mes veies le Stat. 12 Car.
2. c. 24. pur Abolishing le
Court del *Wards*, &c.

Gardeine.

Gardeine ou *wardein* plus
pprement est celuy que
ad le Gard ou Custodie d'un
Heire, & de son Tfe tenu p
Service de Chivalrie, ou d'un
d'eux, a son use demesne, du-
rant le Nonage del Heire;
& deins cest temps ad le be-
stowing del Corps del Heire
en Marriage al son vol', sans
disparagement.

Et de Gardeins il y ad

it: But every Lord shall have
the Ward of the Land that is
holden of him. And if the Ten-
nant hold any Land of the
King in chief, he by his Prero-
gative shall have the Ward of
the Body, and of all the Land
that is holden of him, and of
every other Lord.

Also there are divers Writts
of Ward. One is a Writ of Right
of Ward, and that lies where the
Tenant dies, his Heir within
age, and a Stranger enters in-
to the Land, and happens to
have the Ward of the Body of
the Infant.

A Writ of Ejectment of Ward
lies, where a man is put out of
the Ward of the Land, without
the Body of the Infant.

A Writ of Ravishment of Ward
lies, where the Body is taken
from him onely, and not the
Land.

But see the Stat. 12 Car. 2.
c. 24. for Abolishing the Court
of Wards, &c.

Gardian.

Gardian or *wardein* most pro-
perly is he that hath the
Wardship or Keeping of an
Heir, and of his Land holden by
Knight's Service, or of one of
them, to his own use, during
the Nonage of the Heir; and
within that time hath the be-
stowing of the Body of the Heir
in Marriage at his pleasure,
without disparagement.

And of Wardains there are
two

two sorts; namely, **Gardian in Right**, and **Gardian in Deed**.

Gardian in Right is he that by reason of his **Seigniorie** is seized of the **Wardship** or keeping of the **Land** and **Heir**, during his **Nonage**.

Gardian in Deed is, where the **Lord** after his **Seisin**, as aforesaid, grants by **Deed**, or without **Deed**, the **Wardship** of the **Land**, or **Heir**, or both, to another, by force of which Grant the **Grantee** is in possession: The **Grantee** is called **Gardian in Deed**.

And this **Gardian in Deed** may grant the **Heir** to another also: but that other is not properly called **Gardian in Deed**, but **Grantee** of the **Gardian in Right** only.

But the **Gardian in Socage** hath the profit only to the use of the **Heir**: untill he accomplish the age of 14 years, and must yield therefore an account to the **Heir**. See more hereof, *Luttrell*, lib. 2. cap. 4, & 5. and *Stamford* upon the **Statute of Prerogat.** cap. 1, 2, & 6.

Church-wardens.

Church-wardens are **Officers** chosen in every **Parish**, to have the care and custody of the **Church goods**; and they may have an **Action** for the goods of the **Church**, and divers other things they may do for the benefit of the **Church**:

deux sorts; nommément, **Gardein en Droit**, & **Gardein en Fait**.

Gardein en Droit est celuy qⁱ p^r reason de son **Seigniorie** est seise del **Gardship** ou custodie del **Terre** & del **Heire**, durant le **Nonage** del **Heif**.

Gardein en Fait est, lou le **Seignieur** apres son **Seisin**, come avandit, granta per **Fait**, ou sans **Fait**, le **Gardship** del **Terre**, ou del **Heire**, ou de ambideux, a un autre, p^r force de quel **Grant** le **Grantee** est en possession: Le **Grantee** est appel *Gardein en Fait*.

Et cest **Gardein en Fait** poit grāt le **Heif** al aut auxy: mes cest autre nest properment appel **Gardein en Fait**, mes **Grantee** del **Gardein en Droit** seulement.

Mes le **Gardein en Socage** ad le profit seulement ad use del **Heire**, jesque il ad accomplish l' age de 14 ans, & rendr' pur ceo account al **Heire**. Vide plus de ceo, *Littl.* lib. 2. cap. 4, & 5. & *Stamford* sur **Statute de Prerogat.** cap. 1, 2, & 6.

Gardeins del Esglise.

Gardeins del Esglise sont **Officers** elects en che-
scun **Paroisse**, p^r aver l' care & custodie des biens del **Esglise**; & ils poient aver un **Action** p^r les biens del **Esglise**, & divers auts choses ils poient faire p^r l' benefit l' **Esglise**:

& p^r l' Statute de 43 *El. cap.* 2. ils doivent joindre avecq^{es} les Surveyors en le feissance des Rates & autres provisions p^r les Povres del Paroisse.

and by the Statute of 43 *El. cap.* 2. they are to join with the Overseers for the making of Rates and other provisions for the Poor of the Parish.

Gardein des Spiritualities.

Gardian of the Spiritualities.

Gardein des Spiritualities est celuy a que le Spiritual Jurisdiction est commise durant le Vacancie del See. Anno 25 H. 8. cap. 21.

Gardian of the Spiritualities is he to whom the Spiritual Jurisdiction is committed during the Vacancy of the See. Anno 25 H. 8. cap. 21.

Garnishment.

Garnishment.

Garnishment : Sicome un Action d^e Detinue des Charters est port vers un, & le Defendant dit, que les Charters fueront deliver a luy per le Plaintife & per un autre sur certain Conditions, & prie que l' autre soit garnie de pleader ove le Plaintife, si les Conditions sont perimples ou nemy, & sur ceo un Brief de *Scire facias* issiera vers luy ; ceo est appel *Garnishment* : & l' autre quant il vient eins pleadera ove l' Plaintife ; & c^e est appel *Enterpleader*.

Garnishment : If an Action of Detinue of Charters be brought against one, and the Defendant saith, that the Charters were delivered to him by the Plaintiff and by another upon certain Conditions, and prays that the other may be warned to plead with the Plaintiff, if the Conditions be performed or no, and thereupon a Writ of *Scire facias* shall go forth against him ; this is called *Garnishment* : and the other when he comes shall plead with the Plaintiff ; and that is called *Enterpleader*.

Garrantie.

Garrantie.

Garrantie est, qnt un est lie al aut q^{ad} Terre, de garrant le m^e a luy ; le q^l poir est p^r deux meanes : cest a savoir, per *Ass del Lry* ; Cœ si

Garrantie is, when one is bound to another who hath Land, to warrant the same to him ; which may be two ways ; that is, by Deed of Law ; As if one

one and his Ancestours hath held Land of another and his Ancestours time out of mind by Homage, which is called Homage Auncestell: Or by Deed of the Party, who grants by Dred or Fine to the Tenant of the Land to warrant it to him; upon which, if the Tenant be impleaded by him who ought to warrant or his heirs, the Tenant shall bar the Demandant by pleading the Warranty against him, which is called Rebutter; or if he be impleaded by another in an Action wherein he may vouch, he shall vouch him who warranted, or his heirs, and if the Plaintiff recover, the Tenant shall recover in value against the Vouchee.

Garrantie is of three sorts; that is, Garrantie Lineal, Garrantie Collateral, and Garrantie that begins by Disseisin.

Warranty Lineal is, where a man seised in fee, or in tail, makes a feoffment to another, and binds him and his heirs to Warranty, and hath issue a son, and dies, and the Warranty descends to his son. For if no Dred with Warranty had been made, then the right of the Lands should have descended to the son, as Heir to his father, and he shall convey the Descend from the father to the son.

But if Tenant in tail discontinues the tail, and hath issue, and dies, and the Uncle of the issue releases to the Dis-

un & ses Ancestors ont tenu^s Terre del auter & ses Ancestors per temps dont memorie decourt per Homage, que est appelle Homage Auncestell: Ou per l' Act del Partie, q grant per Fait ou Fine al Tenant del Terre de garrant. ceo a luy; sur quel si le Tenant soit impleade per luy que doit garrant ou ses heires, le Tenant barra le demandant per pleader de Garrantie vers luy, que est appel Rebutter; ou si soit emplede per auter en Action en que il poit vouch, il vouchera cestuy que garrant, ou ses heires, & si le Plaintife recover, le Tenant recouvrera en value vers le Vouchee.

Garrantie est en trois manieres; cestascavoif, Garrantie Lineal, & Garrantie Collateral, & que commence per Disseisin.

Garrantie Lineal est, l'ou home seise en fee, ou en taile, fait Feoffement a un auter, & oblige luy & ses heires a Garrantie, & ad issue firz, & morust, & le Garrantie descend a son firz. Car si nul Fait ove Garrantie ust este fait, donques le droit des Terres descenderoit al firz, come Heire a son pere, & il conveieroit le Discent de le pere a le firz.

Mes si Tenant en le taile discontinua le taile, & ad issue, & devie, & le Uncle del issue releffa al Dis-

cōtinuée ove Garrantie, &c. & moſt ſans iſſue; ceo eſt *Collateral Garrantie* al iſſue ē le taile; pur ceo q̄ le Garrantie diſcēd ſur le iſſue, le quel ne poit ſoy conveyer a le taile p le meane de ſon Uncle.

Et en cheſcun caſe lou hōe demanda Terres en Fee-taile p Brief de *Formedon*, ſi aſc' Anceſtor del iſſue en le taile fait un *Garrantie*, & ceſtuy q̄ ſue le Brief de *Formedon*, per poſſibilitie d' l matē q̄ puiſſoit eſtre fait, convey a luy Title p force del ſon Done q̄ fiſt le Garrantie, &c. ceo eſt donq's un *Lineal Garrantie*, p q̄ l iſſue ē le taile ne ſerra barre, ſinon q̄ il ad Affers a luy deſcendus en Fee-ſimple. Mes ſi il ne poit p aſc' poſſibilitie convey a luy Title p force d' l Don d' celuy que fiſt le Garrantie, donq's ceo eſt un *Collateral Garrantie*, & per la le iſſue ē le taile ſerra barre ſas a cūs Affers. Et le cauſe q̄ tiel *Collateral Garrantie* eſt un Barre al iſſue en le taile eſt, pur ceo q̄ rōuts Garranties, devant le Statute de *Glouceſter*, q̄ux diſcendant a ceux queux ſont Heires a eux que ſeſoiēt les Garranties, fueront Barres a meſm les Heirs a demander aſc' Terres, forſpriſe les Garranties que commence p Diſſeiſin; & pur ceo que, le dit Statute ad ordaine, Que le Garrantie del Pere ne ſerra Barre a ſō Fits pur les Trs q̄ veigne del heritage le Mere,

continuē with Warrantie, &c. and dies without iſſue; this is a *Collateral Warranty* to the iſſue in tail, for that the Warrantie diſcends upon the iſſue, who may not convey himſelf to the tail by mean of his Uncle.

And in every caſe where a man demands Lands in fee-tail by Writ of Formedon, if any Anceſtor of the iſſue in tail makes a Warranty, and he that ſues a Writ of Formedon, by poſſibility of matter that may be done, conveys to him Title by force of his Gift that made the Warrantie, &c. that is then a *Lineal Warranty*, whereby the iſſue in tail ſhall not be barred, except he have Affers to him diſcended in fee-ſimple. But if he may not by any poſſibility convey to him Title by force of his Gift that made the Warrantie, then that is a *Collateral Warranty*, and thereby the iſſue in tail ſhall be barred without any Affers. And the cauſe that ſuch a *Collateral Warranty* is a Barre to the iſſue in the tail is, for that all Warranties, before the Statute of Glouceſter, which diſcended to thoſe who are Heirs to the Warrantors, were Bars to the ſame Heirs to demand any Lands, except the Warranties that began by Diſſeiſin; and for that the ſaid Statute hath ordained, That the Warrantie of the father ſhall be no Barre to his Son for the Lands which come by the heritage of the Mother.

nor the Warranty of the Mother shall be no Bar to the Son for the Lands which come by the heritage of the Father; and neither the Stat. 11 Hen. 7. cap. 20. nor any other Statute, hath ordained any remedy against any other Collateral Warranty; therefore such Warranty is yet in force, and shall be a Bar to the issue in tail, as it was before the Statute.

And it behoves that every Warranty, whereby the Heir shall be barred, descend by course of the Common Law to him who is Heir to the Warrantor; else it shall be no Bar: for if the Tenant in tail of Lands in Borough English, where the youngest son shall inherit by the Custome, discontinue the tail, and hath issue two sons, and the Uncle releases to the Discontinuee with Warranty, and dies, and the younger son brings a Formedon; yet he shall not be barred by such Warranty, *causâ quâ supra*. And if any man make a Deed with Warranty, whereby his Heir should be barred, and after the Warrantor be attaint of felony; his Heir shall not be barred by such Warranty, for that such Warranty cannot descend upon him, the blood being corrupt.

Warranty beginning by Disseisin is, if the son purchase Lands, and let them to his father for years, and the father by his Deed infeoffs a

ne le Garrantie de le Mere ne serra Barre al Fils pur les Terres que veigne del heritage del Pere; & le Statute de 11 Hen. 7. cap. 20. & nul de les Statutes, ad ordain aucun remede encounter asc' auter *Collateral Garrantie*; ideo tiel Garrantie est uncore en sa force, & serra Barre al issue en le taile, come il fuit devant le Statute.

Auxy il covient que tous Garranties, per que ascun Heire serra barré, descend per course del Common Ley a celuy q est Heire a Garrantor; ou autrement il ne serra Barre: car si le Tenant en le taile des Terres en Borough English, lou le puisne fils inheritera per le Custome, discontinua le taile, & ad issue deux fils, & le Uncle releffa al Discontinuee ove Garrantie, & devie, & le puisne fils port *Formedon*; uncore il ne serra barre per tiel Garrantie, *causâ quâ supra*. Auxy si ascun home fait un Fait ove *Garrantie*, p quel son Heir serroit barre, & celuy que fist le Garrantie soit attaint de Felonie; son Heire ne serra barre p tiel Garrantie, pur ceo que tiel Garrantie ne puit descendre sur luy, le sanke esteant corrupt.

Garrantie commençant par Disseisin est, si le fils purchase Terres, & leffa les Terres a son pere pur ans, & le pere per son Fait de c' enseffa un estrang',

estrang', & oblige luy & ses heires a Garrantie, & le pere devie, per quel le Garrantie discend al fits; uncore cest Garrantie ne barrera my le fits, mes le fits bien poit en nient obstant, pur ceo que cest *Garrantie comme saft per Disseisin*, quant le pere fist le Feoffment, que fuit un Disseisin al fits. Et come est dit de Pere, issint poit estre dit de chesc' au^t Ancestor. Et mesm le Ley est, si l' Ancestor soit Tenant per *Elegit*, ou p Statute-Merchant, & fait alcun Feoffment ove Garrantie, tiels Garranties ne ferront Barres, pur ceo que ils commencent per Disseisin.

Garrantie des Charters.

Garrantie des Charters est un Brief q' gist lou asc' fait est fait que comprende clause de Garrantie, cestascavoif, *Dedi* ou *Concessi*, ou cest parol *Warrantizabo*; & si le Tenant soit implead' per un Estrang' en Assise ou tiel Acc' lou il ne poit vouch a Garrantie, donqs il avera cest Bre vers son Feoffor ou son Heir; & si le Terre soit recover vers luy, il recouvrant del Terre en value vers cestuy que fist le Garrantie. Mes cest Brief covi^et est^r sue pendant le primer Brief vers luy, autrement il ad perde son advantage.

Auxy sur Garrantie en

Stranger, and binds him and his heirs to Warrantie, and the father dies, whereby the Warrantie descends to the son; yet this Warrantie shall not bar the son, but the son may well enter notwithstanding, because this Warrantie began by Disseisin, when the father made the Feoffment, which was a Disseisin to the son. And as it is said of the father, so it may be said of every other Ancestor. And the same Law is, if the Ancestor be Tenant by Elegit, or by Statute-Merchant, and make a Feoffment with Warrantie, such Warranties shall be no Bars, because they begin by Disseisin.

Garrantie of Charters.

Garrantie of Charters is a Writ that lies where any Deed is made that comprehends a clause of Warrantie, that is to say, *Dedi* or *Concessi*, or this word *Warrantizabo*; and if the Tenant be impleaded by a Stranger in Assise or such Action where he may not vouch to Warrantie, then he shall have this Writ against his Feoffor or his Heir; and if the Land be recovered against him, he shall recover as much Land in value against him that made the Warrantie. But this Writ ought to be sued depending the first Writ against him, else he hath lost his advantage.

Also upon a Warrantie in the Law.

Lato, as upon Homage aunc-
cestrell, or upon Rent reserved
upon a Lease for life, or a Gift
in the tail, a man shall have
a Writ of Warrantia Chartæ, but
not upon Eſcuage.

Ley, come sur Homage aunc-
cestrel, ou sur Rent reserve
sur Lease de vie, ou Done en
le taile, home avera Brief
de Garrantie de Charters,
mes nemy sur Eſcuage.

Garrantie del jour.

Garrantie del jour.

Garrantie del jour. *De for*
G that Warrantia dici.

Garrantie del jour. Veies
G p ceo warrantia dici.

Gavellet.

Gavelate.

Gavellet is a special and an-
cient kind of Cessavit, used
in Kent, where the Custome of
Gavel-kinde continues, where-
by the Tenant shall forfeit his
Lands or Tenements to the
Lord of whom they are holden,
if he withdraw from his Lord
his due Rents and Services,
after this manner:

If any Tenant in Gavel-
kind withhold his Rent and
Services of the Tenement he
holds of his Lord, let the
Lord seek by the award of his
Court, from three weeks to
three weeks, to finde some
Distress upon the Tenement
untill the fourth Court, al-
ways with Witnesses. And
if within that time he can
find no Distress on that Tene-
ment, whereby he may have
Justice of his Tenant, then
at the fourth Court let it be a-
warded, that he take that Te-
nement into his hand in name
of a Distress, as if it were an
Oxe or Cow, and let him keep it

Gavelate est un special
& ancient kind de Ces-
savit, use en Kent, lou le Cu-
stom de Gavelkind continue,
per quel le Tenant forfeitera
ses Terres & Tenements al
Seignior de que ils sont te-
nus, sil deteine de son Sei-
gnior ses due Rents & Servi-
ces, solonque cest manñ:

Si ascun Tenant en Ga-
velkind retaine sa Rent &
ses Services de le Tenement
que il tient de son Seignior,
qre le Seignior pur a-
garde de sa Court, de trois
semaigns en trois semaignes,
de trouver Distresse sur cel
Tenement jesque a le quart
Court, a tous foits p Test-
moignes. Et si deins cel
temps ne trove Distresse en
cel Tenement, p queux il
puisse son Tenant justifier,
dons a la quart Court soit
agarde, que il preigne cel
Tenement en sa main en nom
de Distresse, auxy come fuit
Boefe ou Vache, & le tient

un an & un jour en sa maine sans maineoverer : deins quel terme si le Tenant vient, & rend ses arrerages, & fait reasonable amends de la deteigner, adonq eyt & enjoy son Tenement, sicome ses Auncestors & luy avant tiendront : & si il ne vient devant l'an & le jour passe, dunque aler' le Seignior al prochein County-Court suivant ove Testmoignes de sa Court, & face la pronouncer cel Processe pur Testmoignage aver ; & p' agard de sa Court (apres ceo County tenus) ent' & maineovera en cels Terres & Tenements sicome en son demesne.

Et si le Tenant vient apres, & voile re-aver ses Tenements, & tener sicome il fist devant, face Agree al Seignior, sicome il est antiement dit,

Neghesth selde, & neghesth gelde, & v. li. for the Were, er hee become Healer. Vide de ceo 10 Henrie 3. Fitzherbert, Cessavit 60. & Statute 10 Edward 2. de Gavellet en London, en le Collection del Statutes, London 2. matter tendant mult a cel purpose, que per cel parol Gavellet le Seignior avera le Terre pur cesser le Tenant. Et veies Westm. 2. cap. 21. que done Cessavit.

a year and a day in his hand without manuring it : within which term if the Tenant come and pay his arrerages, and make reasonable amends for the withholding, then let him have and enjoy his Tenement, as his Ancestors and he before held it : and if he do not come before the year and day past, then let the Lord go to the next County-Court with his Witnesses of his own Court, and pronounce there this Process to have farther Witnesses ; and by the award of his Court (after the County-Court holden) he shall enter and manure in those Lands and Tenements as in his own.

And if the Tenant come afterward, and will re-have his Tenements, and hold them as he did before, let him make Agreement with the Lord, according as it is anciently said.

Hath he not since any thing given, nor hath he not since any thing payed ? then let him pay v. li. for his Were, before he become Tenant or Holder again. See hereof 10 H. 3. Fitzh. Cessavit 60. and Stat. 10 Ed. 2. of Gavellet in London, in the Collection of Statutes, London 2. matter much tending to this purpose, that by this word Gavellet the Lord shall have the Land for the cissing of the Tenant. And see Westm. 2. ca. 21. which gives Cessavit.

There

There be some Copies which have the first Verse thus writ-

ten;
Nisith yelde, and nisith gelde :

And others thus ;

Nighesith yeld, and nighesith geld.

But these differ not in signification. Other Copies have it thus ;

Nigondstith seld, and nigondstith geld :

That is, Let him nine times pay, and nine times repay.

Il y ad ascuns Copies que ad le primer Verse issint escript ;

Nisith yelde, & nisith gelde ;

Et auters issint ;

Nighesith yeld, & nighesith geld.

Mes ceux ne differ en signification. Auters Copies ont ceo solonque cest sort ;

Nigondstith seld, & Nigondstith geld :

Cest adire, Payera il novies foites, & novies foites repay.

Gavel-kinde.

Gavel-kinde is a Custome Gannexed and going with Lands in Kent, called Gavel-kinde-lands, holden by ancient Socage Tenure. And it is thought by the skilfull in Antiquities, to be called Gavel-kinde, of Give all Kinne, that is, to all the Kindred in one line, according as it is used among the Germans, from whom the English-men, and chiefly of Kent, come. Or else it is called Gavel-kinde of Give all Kinde, that is, to all the Male-children, for Kinde in Dutch signifies a Male-child. And divers other like conjectures are made touching Gavel-kinde, which I omit.

The most usual Customes are, That the Land is dividable between the Heirs-male; and that the Heir of the age of 15 years may give and sell

Gavel-kinde.

Gavel-kinde est un Custome annexe & courant ove Terres en Kent, appel Gavel-kinde-terres, tenus en antient Socage Tenure. Et est pensee par les erudite en Antiquities, estre appel Gavel-kinde de Give all Kinne, cest adire, a tous les Kinne en un line, accordant come est use enter les Germans, de que nous Anglois, & especialment de Kent, venomus. Ou est appel Gavel-kinde de Give all Kinde, cest adire, al tous les Males, car Kinde en Dutch signifie un Male. Et divers auts semble conjectures sont fait touchant Gavel-kinde, le quel jec omit.

Les pluis usual Customes sont, Que le Terre est dividable enter les Heires-males; & que le Heire al age de 15 ans soit done & vend

sa Terre ; & serra enherit, coment son pere soit attain- & pendue p̄ Felonie ; & sa feme serra endowe del demie del Terre dont son baron devie seisie ; & le baron serra Tenant per le Courtesie del demie, coment ne avoir issue per la feme ; mes l' Estate del baron & feme cease per lour second Marriage. Et divers autres Customes sont uses en Kent de Terres en Gavel-kinde, pur queux veyes Lambert's Perambulation de Kent.

his Land ; and Hall inherit, although his father be attained and hanged for Felony ; and his wife Hall be endowed of half the Land whereof her husband died seised ; and the husband Hall be Tenant by the Courtesie of the half, although he have no issue by his wife ; but the Estate of the husband and wife ceases by their second Marriage. And divers other Customes are used in Kent of the Lands in Gavel-kinde, for which see Lambert's Perambulation of Kent.

Gaugeour.

Gawgeour.

GAwgeour est ū Officer d' Roy designe de seacher routs Tuns, Hogsheds, Pipes, Barrels & Tertianes de Vine, Oyle, Honey, Butter, & a don- eux un Note d' allowance de- vant ils sont vendus en ascun lieu. Et p̄ ceo que cest marke est un Circle fait ove un instrument de ferre pur cel purpose, il semble q̄ il prist son nosme de ceo. De cest Office la ad este fait plu- sors Statutes : le primer est An. 27 E. 3. ca. 8. & les autres sont 4 R. 2. ca. 1. 18 H. 6. ca. 17. 23 H. 6. ca. 16. 1 R. 3. ca. 13. & 28 H. 8. c. 14.

GAwgeour is an Officer of the King appointed to search all Tuns, Hogsheds, Pipes, Barrels and Ter- tianes of Wine, Oil, Honey, Butter, and to give them a Mark of allowance before they are sold in any place. And be- cause this mark is a Circle made with an iron instru- ment for that purpose, it seems he takes his name from thence. Touching this Of- fice there have been made ma- ny Statutes ; the first is An. 27 E. 3. ca. 8. and the others are 4 R. 2. ca. 1. 18 H. 6. c. 17. 23 H. 6. c. 16. 1 R. 3. c. 13. and 28 H. 8. c. 14.

Gersuma.

Gersuma.

Gersuma est un obsolete parol, pur un Fine ou

Gersuma is an obsolete word, for a Fine or Summe

Summe of money ; it is often found in ancient Records. See Sir Hen. Spelman's Glossarium.

Gild.

Gild, alias Geld, has divers significations : as sometimes a Tribute ; othertimes an Amerciament ; thirdly, a fraternitie or Company combined together by Orders and Laws made amongst themselves with the King's licence. Cambden cites many Antiquities whereby it appears to signify a Tribute or Tax ; as pag. 135, 139, 159, 168, 178. Crompton, in his Jurisdiction, fol. 191. shews it to be an Amerciament, as Footgeld ; yet fo. 197. he saies, To be quit of all manner of Gelds is, to be discharged of all manner of Prestations to be made for gathering of Sheaves of Corn, young Lambs, and Wool, to the use of the Foresters.

Also Cambden, pag. 149. dividing Suffolke into three parts, calls the first Gildable, because Tribute is thence gathered. And the Statutes Anno 27 Edw. 3. Stat. 2. ca. 13. and Anno 11 Hen. 7. ca. 9. use Gildable in the same sense ; and so the Statute Anno 27 Hen. 8. ca. 26. Hence Lambert in the word Contubernalis is perswaded that the common word Gild or

Summe d' argent ; il est souvent trouve en veil Records. Veies Sir Hen. Spel. Glossarium.

Gild.

Gild, alias Geld, ad divers significations : come ascun foits un Tribute ; aut foits un Amerciament ; tiercement, ū Fraternitie ou Compagnie combine ensemble par Orders & Leys fait int̄ eux mesmes ove le congee le Roy. Cambden cita plusors Antiquities par lesquelles il appiert qu'il signifie un Tribute ou Tax ; come pag. 135, 139, 159, 168, 178. Crompton, en ses Jurisdictiones, f. 191. monstre ceo destre un Amerciament, come Footgeld ; uncore fol. 197. il dit, Destre quit de tous maners de Gelds est, destre discharge d̄ tous maners de Prestations destre fait par le prisure de Garbes de Corne, d̄ juvene Barbits, & de Lane, al use del Forresters.

Auxy Cambden, pag. 149. dividant Suffolke en trois parts, appel le premier Gildable, par ceo que Tribute est de ceo collect. Et les Statutes Anno 27 Edw. 3. Stat. 2. ca. 13. & Anno 11 Hen. 7. ca. 9. usont Gildable en m̄ le sens ; & issint le Stat. Anno 27 H. 8. ca. 26. De ceo Monsieur Lambert verbo Contubernalis est perswade qu'il commun pol Gild ou Gild.

Gild-hall pceda, esteant un Fraternitie ou Communalte de homes aggregated en un Cōbination, supportant lour common charge p un mutual Contribution. Et en le Reg. Orig. f. 219. b. la est *Gildam Mercatoriam*, q̄ semble destre ū certaine Libertie ou privilege app̄tinent al Merchants, p̄ q̄ ils sont enable de tener certain Plees de Terre deins lour Precincts demesne. Cest pol *Gilds* ou *Guilds* est issint use Anno 27 E. 3. c. 51. & Anno 15 R. 2. c. 5. Et *Gildhalda Teutonicorum* est use p̄ le Fraternitie de Easterling Merchants en Londres appel le *Still-yard*, Anno 22 H. 8. c. 8. Veies Coke, l. 8. f. 125.

Gild-hall pceds, being a fraternity or Communalty of men gathered in one Combination, supporting their common charge by a mutual Contribution. And in the Reg. Orig. f. 219. b. there is *Gildam Mercatoriam*, which seems to be a certain Liberty or privilege appertaining to Merchants, whereby they are enabled to hold certain Pleas of Land within their own Precinas. This word *Gilds* or *Guilds* is so used Anno 27 E. 3. c. 51. and Anno 15 R. 2. c. 5. And *Gildhalda Teutonicorum* is used for the fraternity of Easterling Merchants in London called the *Still-yard*, Anno 22 H. 8. c. 8. See Coke, l. 8. f. 125.

Gisarms.

Gisarms fuit ū certaine Weapon, mētion 13 E. 1. Stat. 3. c. 6. Fleta escrie le m̄ *Sisarmes*, l. 1. c. 24.

Gisarms was a certain Weapon, mentioned 13 E. 1. Stat. 3. c. 6. Fleta writes it *Sisarmes*, l. 1. c. 24.

Gors.

Gors (*Gurges*) est un Estange ou Gulfe d'eau p̄ le p̄server des peissons, per le grant de q̄ le Soile n̄ passer; & ū *Præcipe quod reddat* gift de ceo, come est a veier en 4 E. 3. 29. b. & 8 E. 3. 13. a. & F. N. B. 191. H.

Gors (*Gurges*) is a Pool or Pit of water to keep fish in, by the grant whereof the Soil it self passes; and a *Præcipe quod reddat* lies of it, as you may see in 4 E. 3. 29. b. and 8 E. 3. 13. a. and F. N. B. 191. H.

Grand Cape.

Grand Cape. Look for it
Gaster in the Title Petit
Cape.

Grand Cape.

Grand Cape. Veies de ceo
après en le Title Petit
Cape.

Grand Distresse.

Grand Distresse. See of that
before in the Title Di-
stresse.

Grand Distresse.

Grand Distresse. Veies de
ceo devant en le Title
Distresse.

Grand Serjeanty.

Grand Serjeanty is, where a
man holds of the King cer-
tain Land by the Service of
carrying his Banner or Lance,
or to lead his Host, or to be his
Carber or Butler at his Coro-
nation, or the like; and that is
the most honourable Service
that a Tenant may doe, and for
that it is called Grand Serjeanty.
But Petit Serjeanty is, when one
holds of the King, paying him
yearly a Bow, a Sword, a
Spear, or such like; and that is
but Socage in effect: but a man
cannot hold in Grand Serjean-
ty or Petit Serjeanty but of
the King. Also if a Tenant
by Grand Serjeanty dies, his
Heir, being of full age, shall pay
to the King for Relief the value
of the Lands, besides the charges
that he pays to the King by
Grand Serjeanty: but he that
holds by Escuage shall pay for
his Relief but C.s.

Those that are in the Mar-
ches of Scotland, who hold of the

Grand Serjeantie.

Grand Serjeantie est, lou ū
home tient del Roy cer-
taine Terres p le Service de
porter son Banner ou Lance,
ou amesner son Hoste, ou de-
sire son Carver ou Butler à
son Coronmt, & tiels sembla-
bles; & ceo est la plus digne
Service q le Tenant poit faif,
& p ceo est appel Grand Ser-
jeantie. Mes Petit Serjeantie
est, quant ū tient d Roy, ren-
dant a luy annualmt un Arc,
un Coteau, un Lance, ou tiel
semblable; & ceo nest forsque
Socage e effect: mes hōe ne
poit tener e Grand Serjeantie
ne p Petit Serjeantie si non
de Roy. Auxy si Tenant per
Grand Serjeantie morust, son
Heir, esteant d plein age, pay-
era al Roy p Reliefe le value
des T'res, oust les charges q il
pay al Roy p Grad Serjeanty:
mes cestuy q tient p Escuage
payera p son Relief forsq C.s.

Ceux que sont en les Mar-
ches de Scotland, q tient del
Roy

Roy p *Cornage*, ceo est, p ven-
tiler u Cornu quant les Scots
entront *Angleterre*, sont Te-
nants p *Grand Serjeantie*.

Aux ou un home tient del
Roy p trover un home en sa
Guerre deins le Realm, c' est
dit *Grand Serjeantie*, p ceo q
il est fait p Corps d'un hōe :
Et si le Tenant ne poit trover
home de faire ceo, il est tenu
de faire ceo luy meisme.

Mes veies le Stat. 12 Car.
2. c. 24. p quel tous les Te-
nures sont ore turne e frank
& common *Socage*.

King by *Cornage*, that is, to
blow an Horn when the Scots
enter England, are Tenants in
Grand Serjeanty.

Also where a man holds of
the King to find a man in his
Wars within the Realm, that is
called Grand Serjeanty, because it
is done by a man's Body: And
if the Tenant cannot find a man
to doe it, he is bound to doe it
himself.

But see the Stat. 12 Car. 2.
c. 24. whereby all Tenures are
now turned into free and com-
mon *Socage*.

Gree.

Gree venust del Francois
parol (*Gre*) *Beneplacitum*;
& signifie en nre Ley
Contentment ou Satisfac-
tion: come en le Statute 1 R.
2. c. 15. de faire Gree as par-
ties est a doner eux Content-
ment ou Satisfaction pur un
Offence as eux fait.

Green hew.

Green hew est pour u ove
Vert, cōe appiert p *Man-
wood* en ses Leys del Forrest,
t. 6. sect. 5. Et p c' veies Vert.

Green Wax.

Green Wax est un pol use
e les Statutes de 42 E. 3.
t. 9. & 7 H. 4. c. 3. & signifie
les Estreats des Issues, Fines
& Amerciements en l'Esche-

Gree.

Gree comes of the French
word (*Gre*) *Good liking*;
and it signifies in our Law
Contentment or Satisfaction:
as in the Statute of 1 R. 2. c. 15.
to make Gree to the parties is
to give them Contentment or
Satisfaction for an Offence
done unto them.

Green hew.

Green hew is all one with
Vert, as appears by *Man-
wood* in his Forrest Laws. c. 6.
sect. 5. And for it see Vert.

Green Wax.

Green Wax is a word used in
the Statutes of 42 E. 3. c. 9.
and 7 H. 4. c. 3. and signifies the
Estreats of Issues, Fines and
Amerciements in the Exche-
quer.

quer, and delibered out to the Sheriffs under the Seal of the Court, to be levied by them in their severall Countiees.

quer, & bailes hors as Viscounts south le Seale del Court, destre p eux levies en leur severall Countiees.

Grithbreach.

Grithbreach.

G Rithbreach, that is, the King's Peace broken; because Grith in English is Pax in Latine.

G Rithbreach, hoc est, Pax Domini Regis fracta; quia Grith Anglice, Pax Latine.

Gule of August.

Gule de August.

G ule of August is the first day of the Calends of August, which in the time of E. 1. and E. 3. was called ordinarily the Gule of August, as appears by F.N.B.f.62.I. and Plowden's Com. f.316.b. It is the very day of S. Peter ad vincula; and the reason why it was called the Gule of August is conceived upon a Story recorded by Durandus in his Rationale Divinorum, l.7.c.19. of a Miracle wrought by S. Peter's Chain upon the daughter of one Quirinus a Tribune of Rome, who by the kissing of that Chain was healed of the King's Evil in her Throat (gula.) And see Hospinian. de origine Festorum, f.85.b.

G ule de August est le premier jour ou les Calends del August, q en le temps E. 1. & E. 3. fuit usuellement appel le Gule de August, come appiert p F.N.B.f.62.I. & Plowden. Com. f. 316.b. Est le verie jour S. Petri ad vincula; & le reason pur que est appel le Gule de August est conceive sur un Historie recordee par Durandus en son Rationale Divinorum, l.7. c.19. d'un Miracle effecte par le Chainne de S. Peter sur le fille d'un Quirine un Tribune del Rome, q par le baiser del dit Chainne fuit cure des Escrovel en sa Goule (gula.) Et veies Hospin. de origine Festorum, f.85.b.

Gultwit.

Gultwit.

G ultwit is an Amends for Trespass, according to Saxton in his Description of England, c.11.

G ultwit est un Amends pur Trespas, selonque Saxton en son Description del Angleterre, c.11.

H.

H.

*Habeas corpus.**Habeas corpus.*

H *Abeas corpus* est un Bfe le quel home endite d'asc' Tres-passe devāt Justices del Peace, ou ē un Court d'asc' Frāchise, & sur son Prisure esteant gist ē prison p m, poit aver hors del Banke le Roy, p c' d'amesner luy mesme la a ses costs de mesme, & de respond le Cause icy. *F.N.B.f. 250.b.* Et l'order ē ceo case est, primermt d pcurer un *Certiorari* hors del Chancery, direct al dits Justices, p le remover del Endictmt ē le Banke le Roy, & sur ceo de peurer cest Bfe al Visc', de causer son Corps de dre amesne al un jour, *Reg. Judic. f. 81.* ou vous poies trover plusors cases ē queux cest Brief serra use.

H *Abeas corpus* is a Writ which a man indited of any Trespass before Justices of the Peace, or in a Court of any Franchise, and upon his apprehension being laid in prison for the same, may have out of the King's Bench, thereby to remove himself thither at his own costs, and to answer the Cause there. *F.N.B.f. 250.b.* And the order in this case is, first to procure a *Certiorari* out of the Chancery, directed to the said Justices, for the removing of the Indictment into the King's Bench; and upon that to procure this Writ to the Sheriff, to cause his Body to be brought at a day, *Reg. Judic. f. 81.* where you may find many cases where in this Writ shall be used.

*Habeas corpora.**Habeas corpora.*

H *Abeas corpora* est ū Bfe que gist contre un Jurie ou ascuns d'eux q refusont de vener sur le *Venire facias*, pur le Trial d'un Meistre port al issue.

H *Abeas corpora* is a Writ which lies against a Jury or any of them that refuse to come upon the *Venire facias*, for the Trial of a Cause brought to issue.

*Habendum.**Habendum.*

H *Abendum* est ū parol de forme ē ū Conveyance, al voyer intelligence de q est

H *Abendum* is a word of form in a Conveyance, to the true understanding whereof it is

to be observed. That in every Deed of Conveyance there are two principal parts, the Premises, and the Habendum.

The Office of the Premises is to expresse the Name of the Grantor, the Grantee, and the Thing to be granted. The Office of the Habendum is, to limit the Estate, so that the general Implication of the Estate, which by construction of Law passes in the Premises, is by the Habendum controlled and qualified: As in a Lease to two men, Habendum to the one for life, the Remainder to the other for life, alters the general Implication of the Joynt-tenancy in the Feehold, which passes by the Premises, if the Habendum were not. See Coke, l. 2. f. 55.

destrre observe, Que en eliesc' Fait de Conveyance la sont deux principal parts, le Premisses, & l' Habendum.

Le Office des Premisses est, d' expresse le Nomsme del Grauntor, le Grauntee, & le Chose destrre grauntus. L' Office del Habendum est, & li-mitter l' Estate, issint q le general Implication del Estate, que p construction del Ley passa en les Premisses, est p l' Habendum contrölle & qualifie: Sicöe e un Lease a deux höes, Habendum a l'un p vie, le Remainder al autre p vie, alter le genal Implicatio del Joynt-tenancié en le Frank-tenement, q passera p les Premisses, si l' Habendum ad este omis. Veies Coke, l. 2. f. 55.

Habere facias Seisinam.

Habere facias Seisinam.

Habere facias Seisinam is a Writ Judicial that lies where one hath recovered certain Lands in the King's Court; then he shall have this writ directed to the Sheriff, commanding him to give him Seisin of that Land, and it shall not be returnable.

Habere facias Seisinam est un Brief Judicial q gist lou un ad-recover certaine Terres en Court le Roy; donques il avera cest Brief direct al Viscount, luy commandant de done a luy Seisin del Terre, & ne serra re-tournable.

Habere facias Visum.

Habere facias Visum.

Habere facias Visum is a Writ that lies in divers Cases, where View is to be taken of the Lands or Tenements in question. See F. N. B. in Indice, verbo View; & Bract. l. 5. tract. 6. 8.

Habere facias Visum est un Brief q gist e plusieurs Cases, lou View est estre prins del Tres ou Tenements e question. Veies F. N. B. in Indice, verbo View; & Bract. l. 5. tract. 3. 6. 8. Dd Half-

Half-bloud.

Half-bloud. Veies Demy-
fank.

Demy Seal.

Demy Seal est ũ Seal use
de le Chacerie p le sealer
des Comissions as Delegates
sur un Appeale en un Cause
civil ou marine, come appiert
p le Stat. fait en 8 Eliz. c. 5.

Halymote.

Halymote est un Court-
Baron, cōe appiert per
Manw. & ses Forrest Leys, c. 23.
f. 217. ^a Et est appel Halymote,
testalcaivoire, le Concuse des
Tenāta d'un Hall ou Mañor.

*Hambling ou Hoxing
des Chiens.*

Hambling, ou Hoxing, ou
Hock sinewing des Chiens,
sont antiot tmes del Forrest p
le Lawing des Chiens, quant
le custom fuit, (cōe appiert p
Manw. Fo. Leys, c. 16. sect. 12.)
d coup ou berluffer Chiens
en lour Jareds; mes ore, est
use destre fair en lour Pieds.
De q veies Expeditate.

Hand-gun.

Hand-gun est ũ Engine q
est phibite destre use &
emport per le Seature de

Half-bloud.

Half-bloud. See Demy-
fank.

Half Seal.

Half Seal is a Seal used in
Chancery for the sealing of
Commissions to Delegates up-
on an Appeal in a Cause civil
or marine, as it appears by the
Statute made in 8 Eliz. c. 5.

Halymote.

Halymote is a Court-Baron,
As appears by Manwood in
his Forrest Laws, c. 23. f. 217. ^a
And it is called Halymote, that
is, the Meeting of the Tenants
of one Hall or Mannor.

*Hambling or Hoxing of
Dogs.*

Hambling, or Hoxing, or Hock-
sinewing of Dogs, are old
Forrest terms for the Lawing of
Dogs, when the custom was,
(as appears in Manwood's Forrest
Laws, c. 16. sect. 12.) to cut or
gash Dogs in the Hamms,
but now they use to doe it in
their feet. Of which see Ex-
peditate.

Hand-gun.

Hand-gun is an Engine which
is prohibited to be used and
carried about by the Statute of
33 H. 8.

33 H.8.c.6. And though a Dag was invented of late time, and after the making of the said Act, and is not known by the name of Hand-gun, but by a special name; yet the carrying of a Dag is within the said Act, and comprehended within the said Hand-gun. So whereas Cross-bows are forbidden by the said Act, thereby Stone-bows are also forbidden. See Coke, l. 5. f. 71, 72.

Hangwit.

Hangwit is, to be quit of a Chief or Felon hanged without Judgment, or escaped out of your custody.

Hanper.

Hanper of the Chancery, Anno 10 R.2. c. 1. seems to signify the Fiscus originally does in Latine.

Haque.

Haque is a little Hand-gun that is quarters of a yard long, and it is mentioned in the Statute of 33 H.8.c.6. and 2 & 3 E.6.c.14. There is also mention made of an half Haque.

Haquebut.

Haquebut is a Gun mentioned in the Statute of 2 & 3 E.6.c.14. and it is all one with an Arquebuse.

33 H.8.c.6. Et comt que un Dagge fuit envent de tardife tēps, & puis le sefens del dit Act, & nest conust p le nom d'Hand-gun, mes p un especial nomme; uncore le carrying d'un Dagge est deins le dit Act, & comprehend deins le parol Hand-gun. Issint ou Crosse-bowes sont phibite p le dit Act, p ceo Stone-bowes sont auxy phibite. Veies Coke, l. 5. f. 71, 72.

Hangwit.

Hangwit est, quietum esse de Latrone suspensio sine Judicio, vel extra custodiam vestram evaso.

Hanper.

Hanper del Chancerie, Anno 10 R.2.c.1. semble de signifier come Fiscus originalment en Latine.

Haque.

Haque est un petit Hand-gun al longueur des trois quartiers d'un verge, & est mention ē le Stat. d' 33 H.8.c.6. & 2 & 3 E.6.c.14. La est auxy parle d'un demy Haque.

Haquebut.

Haquebut est un Gunne mention en le Stat. de 2 & 3 E.6.c.14. & est tout un ave un Arquebuse.

Hariot.

Hariot est en deux sorts ; l'un Hariot Custome, l'autre Hariot Service.

Hariot Service est mult foits expresse e le Grant d'un hōe ou e son Fait, q il tient p tiel Service p payer *Hariot* al tēps d son mort. Et cest *Hariot* est payable apres le mort del Tenant en Fee-simple.

Hariot Custome est, lou *Hariots* ont este payes tēps hors d memorie p Custome. Et ceo poit este apres le mort del Tenant p vie, &c. Mes a parler de ceo generalment :

Hariot est le melieur Beast (soit il Chival, Boefe, ou Vache) que le Tenant ad al temps de son mort. Et un Distresse poit estē seise ou prins pur ceo, soit il *Hariot Service*, ou *Hariot Custome*, al use del Seignior, de q le Tenant tiēt, p son Bailife ou auters Officers. Mes de droit le Seignior ne son Officer ne doit prendre *Hariot*, devant q il soit present al pchein Court tenu apres le Tenant est mort, q tiel Beast est due pur son *Hariot*.

Haward.

Haward ou Hayward est l'un Officer designe en chescun Ville, destre le common Heard del Ville : & il est issint aprel, ou p ceo que

Hariot, or Heriot.

Hariot is of two sorts ; *Hariot Custom*, and *Hariot Service*.

Hariot Service is often expressed in a man's Grant or Deed, that he holds by such Service to pay *Hariot* at the time of his death. And this *Hariot* is payable after the death of the Tenant in Fee-simple.

Hariot Custom is, where *Hariots* have been paid time out of mind by Custom. And this may be after the death of the Tenant for life, &c. But to speak thereof generally :

Hariot is the best Beast (whether it be Horse, Ox, or Cow) that the Tenant had at the time of his death. And a Distresse may be either seised or taken for it, whether it be *Hariot Service*, or *Hariot Custom*, to the Lord's use of whom the Tenant held, by his Bailiff or other Officers. But of right neither the Lord nor his Officer should take *Hariot*, before it be presented at the next Court holden after the Tenant is dead, that such a Beast is due for his *Hariot*.

Haward.

Haward or Hayward is an Officer appointed in every Town to be the common Herd of the Town : and he is so called, either for that

it is one part of his Office to keep the Hedges of inch, & grounds, so that they be not cropped nor broken down; or because he keeps the Grasse from the hurt and destruction of Cattel, so that Hay may be made thereof. He is an Officer sworn in the Lord's Court: for which Oath see Kitch. fol. 46.

un part de son Office est pur garder les Hayes de terres enclose, issint que ils ne soient croppe ne enfringe; ou pur ceo que il garde le Grasse del parde & destruction des Avers, issint que Hay poit estre fait de ceo. Il est un Officer jurus en le Court del Seignior: Pur que Serement veies Kitch. fol. 46.

Hawkers.

HAwkers is a word used in the Statutes of 25 Hen. 8. cap. 9. and 33 H. 8. cap. 4. for Tinners that go from place to place through the Countrey, and by colour of the King's Letters Patents or Placards buy and sell Brasse and Pewter, and cozen the King's people both in the weight and in the stuff.

Haukers.

HAukers est un terme use en les Statutes de 25 H. 8. cap. 9. & 33 H. 8. cap. 4. pur Tinkers queux alont de lieu en lieu p le Pais, & p color des Letters Patents le Roy ou Placards achatont & vendont Airain & Pewter, & deceive les lieges le Roy & en le poise & en le substance.

Hay-bote, or Hedge-bote.

Haybote, ou Hedgebote.

HAybote, or Hedgebote, is necessary stuff to make and mend Hedges, which the Lessee for years or for life of common right may take upon the Ground to him leased, although it be not expressed in his Lease, and although it be a Lease by Word, without Writing.

HAybote, ou Hedgebote, est necessarie stuffe pur fair & amend Haies, q Lessee p ans ou p vie de common droit poit prendre sur le Tre a luy lessé, nient obstant il ne soit expresse en son Lease, & nient obstant que il soit un Lease p Parol, sans Escript.

Haybote also may be taken for necessary stuffe to make Rakes, Forks, and such like instruments, wherewith men use in Summer to tedde and make Hay. And so a Lessee for

Haybote auxy poit estre prise pur necessarie stuffe p fair Rakes, Forkes, & tiels sembl' instrumens, ove qux hoës usot e Somm p tedder & fair Feine. Et issint un Lessee p

ans prist c', & fuisit luy al-
low per son Lessor, plus tost,
come jeo suppose, p' ceo que
tiels Instrumts sont faits de
sleñd Subbois, q' p le Com-
mon Ley l' Lessee p' ans poit
succider & prender, come est
avantdit.

years took it, and it was allow-
ed him by the Lessor, the re-
ther, as I suppose, for that such
Instruments are commonly
made of slender Under-wood,
which by the Common Law
the Lessee for years may cut &
take, as aforesaid.

Headborow.

Head-borow est cōpound
des deux parols, *Heofed*,
id est, *Caput*, & *Borhe*, id est,
Pignus. Il sint q' Head-bo-
row signifie le chiefe des
Frank-pledges en un Decen-
narie deins un Leet, ou ce-
luy q' avoir l' governance des
eux q' sōt deins sō Pledge de-
mesne. Et il fuit appel *Head-
borow* ou *Borow-head*, ou *Bo-
roughs-holder*, ou *Third-bo-
row*, ou *Tithing-man*, ou *Chief-
pledge*, ou *Borow-elder*, selonq'
le diversitie des dialects des
divers lieux. Et a ceo jour est
ore appel un *Constable*.

Head-borow.

Head-borow is compounded
of two words, *Heofed*, id est,
Head, and *Borhe*, id est, Pledge.
So that Head-borow signifies
the chief of the free Pledges
in a Decennary within a Leet,
or he that had the government
of those that are within his
own Pledge. And he was
called Head-borow or Borow-head,
or Boroughs-holder, or Third-bo-
row, or Tithing-man, or Chief-
pledge, or Borow-elder, according
to the diversity of speech in di-
vers places. And to this day
he is now called a Con-
stable.

Heireloome.

Heireloome est ascun par-
cel des Utenfils dun
mease, que, p le custome del
asc' Pais, esteant apperteināt
al un Mease pur certaine di-
scents, ala ove le Mease (a-
pres le mort del owner) al
Heire, & nemy as Executors.

Heireloome.

Heireloome is any piece of
Household-stuff, which, by
the custome of some Countreys,
having belonged to a House for
certain discents, goes with the
House (after the death of the
owner) unto the Heir, and not
to the Executors.

Herbage.

Herbage.

Herbage is the Fruit of the Earth provided by nature for the bit or mouth of the Cattel: But it is commonly used for a Liberty to feed ones Cattel in another man's ground, as in the Forrest, &c. *Cromp. Jurisd. fol. 197.*

Heretico, or Hæretico
comburendo.

Heretico comburendo is a Herit that lies against him who is an Heretick, that is, who having been once convicted of Heresie by the Bishop, and having abjured it, afterwards falls into it again, or into some other, and is thereupon committed to the Secular power.

And Brit. lib. 1. cap. 17. saith, That by the Common Law those persons who feloniously burn the Corn or Houses of others, Sorcerers and Sorceresses, Sodomiticall persons, and Hereticks, should be burnt and consumed.

Hidage.

Hidage is to be quit, if the King shall tax all the Land by Hides.

Note, that a Hide of Land is a whole Plough-land. And this kind of Taxing by Hides was much used in old time.

Herbage.

Herbage est le Fruit del terre providee par nature pour le bit ou bouch del Cattel: Mes il est communement use pour un Liberty a pascier le Cattel d'un hom en le fund del aut, come en le Forrest, &c. *Crom. Jurisd. fol. 197.*

Heretico, ou Hæretico
comburendo.

Hæretico comburendo est un Brief que gist vers luy que est un Heretique, ceo est, que ayant estre un fois convaincu de Heresie par l'Evesque, & ayant c'abjure, puis en ceo relapse arere, ou en aucun autre, & est sur ceo commise al Lay poyar.

Et Brit. lib. 1. cap. 17. dit, Que per le Common Ley ceux persons queux feloniouslyment arseront auters Bles ou auters Measons, Sorciers & Sorcieresesses, Sodomies, & Hereticks, seront combures & arses.

Hidage.

Hidage est quietum esse, si Dominus Rex talliaverit totam Terram per Hidas.

Nota, Que un Hide de T're est un entire Plough-land. Et cest kind de Taxing per Hides fuit mult use en veil temps,

cybien pur provision de Armour, come payments de Argent; & c' principalmt en les jours del Roy *Ethelred*. q' en l' an de Christ 1006. qnt les Danes pristera terre at *Sandwich* en Kent, tax tout son T're p Hides en cest mafi; Que chesc' 310 Hides d' T're doiēt trover un Nief furnish, & chesc' 8 Hides doiēt trover un Jacke & un Sallet, p le defence del Realme.

as well for provision of Armour, as payments of Money; and that chiefly in King *Ethelred's* days; who in the year of Christ 1006, when the Danes landed at *Sandwich* in Kent, taxed all his Land by Hides thus; That every 310 Hides of Land should find one Ship furnished, and every 8 Hides should find one Jack and one Saddle, for the defence of the Realm.

Hoblers.

Hoblers sont mention en le Statute de 25 E. 3. Stat. 5. cap. 8. estre tiels q' per leur Tenure sont lies de maintenir un petit Chival, p donor notice d' ase' Invasion ou auſ pil q' happa pchein al Mere lou ils demurront.

Hoblers are mentioned in the Statute of 25 E. 3. Stat. 5. cap. 8. to be such men as by their Tenure are bound to keep a little Hag, to give notice of any Invasion or other danger that happens near the Sea-side where they dwell.

Hoghenhine.

Hoghenhine est celui que vient a un meafon en l' guise d'un Guest, & la repose l' tierce nuit, puis quel temps il est accompt un d' son Familie en q' meafon il repose; & sil offend le Peace l' Roy, son Host covient de respond p luy. *Bract. lib. 3. tract. 2. cap. 10.* En l' Leys d' Roy *Edward*, edite p Monsieur *Lambert*, il est appell' *Agenhine*, ou vous poyes lier pluis de cest meistre.

Hoghenhine.

Hoghenhine is he who comes Guest-wise to a house, and there lies the third night, after which time he is accounted one of his family in whose house he lies; and if he offend the King's Peace, his Host must be answerable for him. *Bract. lib. 3. tract. 2. cap. 10.* In the Laws of King *Edward*, set forth by *Lambert*, he is called *Agenhine*, where you may read more of this matter.

Homage.

Homage.

HOmage in our Books is twofold. viz. Homagium ligeum, and that is as much as Liegeance, of which Bracton speaks li. 3. ca. 35. f. 79. Soli Regi debetur sine Dominio seu Servitio. And the other is Homagium feudale, which hath his originall by Tenure. In Fitzh. N. B. fol. 269. there is a writ for respiting this later Homage, which is due by reason of the Fee or Tenure. But Homagium ligeum is inherent and inseparable, and cannot be respited.

Homage by reason of Fee or Tenure is defined to be a Service which shall be made in this manner: The Tenant in fee or fee-tail that holds by Homage shall kneel upon both his knees ungirded, and the Lord shall sit, and hold the hands of his Tenant between his hands, and the Tenant shall say, I become your man from this day forward of life and member, and of earthly honour, and to you shall be faithfull and true, and shall bear to you faith for the Lands that I claim to hold of you, saving that faith I owe to our Lord the King: and then the Lord so sitting shall kiss him.

How Fealty shall be done, look before in Fealtye.

The Steward of the Lord may take Fealty, but not Ho-

HOmage en nostre Livres cest deux-fold. Cest a dire, Homagium ligeum, & c'est tant come Liegeance, & q' Bract. parle, li. 3. ca. 35. f. 79. Soli Regi debetur sine Dominio seu Servitio. Et laus est Homagium feudale, q' ad son original p Tenur. En Fitz. Nat. Brev. f. 269. la est un Brief p resperture de cest darreine Homage, que est due p reason del Feud ou Tenure. Mes Homagium ligeum est inherent & inseparable, & ne poit estre respertus.

Homagium ratione Feodi sive Tenure est define destre un Service q' serra fait en tiel manner: Le Tenant en fee ou fee-taile que tient p Homage, genulera sur ambideux genues disclinee, & le Seignieur serra seate, & tiendra les maines son Tenant enter les maines, & le Tenant dire, Jeo deveigne vostre home de cest jour en avant de vie & de member, & de terrene honour, & a vous serra foyall & loyall, & soy vous portera des Terres que jeo clame de ten' de vous, salve le foy que jeo doy a nostre Seignieur le Roy: & donqs le Seignieur i sinseant luy basera.

Comt Fealtye serra fait, veies devant en Fealtye.

Le Seneschal le Sür poit pnder Fealtye, mes nemy Homage.

mage. Veies le Stat. 12 Car.
2. cap. 24.

mage. See the Statute 12 Car.
2. ca. 24.

Homage auncestrel.

Homage auncestrel est, loun home & ses Ancestors d' reys dont memorie ne courge ont tenus le Terf d' l' Seignior p' Homage. Et si tiel S'nr ad receive Homage, il est ten' d' acquiter le Tenant vers tous aus Seigniors paramount luy d' chescun man Service. Et si l' Tenant ad fait Homage a son S'nr, & soit implead, & vouchie le Seignior a Garrantie; le Seignior est tenu de luy garrant: & si le Tenant perde, il recouera en value vers son Seignior tant des Terres que il avoit al temps de la Voucher, ou unques puis. Auxy si home q' tient son Terre p' Homage auncestrel alien l' Terf en fee, donques l' Alienee ferra Homage a son Seignior; mes il ne tiendra p' Homage auncestrel, p' ceo que le continuance del Tenancie en le sanke d' l' primer Tenant est discontinue.

Homagio respectuando.

Homagio respectuando est loun Brief direct al Escheatour, luy mandant pur deliver Seisin al Heire de ses Terres a son plein age, coment que son Homage

Homage auncestrel.

Homage auncestrel is, where a man and his Ancestors time out of mind held their Land of their Lord by Homage. And if such Lord hath received Homage, he is bound to acquit the Tenant against all other Lords above him of every manner Service. And if the Tenant hath done Homage to his Lord, and is impleaded, and vouches the Lord to Warrant; the Lord is bound to warrant him: and if the Tenant lose, he shall recover in value against the Lord so much of the Lands as he had at the time of the Voucher, or any time after. Also if a man that holds his Land by Homage auncestrel alien the Land in fee, then the Alienee shall doe Homage to his Lord; but he shall not hold by Homage auncestrel, for that the continuance of the Tenancie in the blood of the first Tenant is discontinued.

Homagio respectuando.

Homagio respectuando is a Writ directed to the Escheatour, commanding him to deliver Seisin to the Heir of his Lands at his full age, although he hath not made

made his Homage. Of which
see Fitz. N. B. f. 169. A.

ne soit fait. De que veies
Fitz. N. B. f. 169. A.

Homefoken.

Homfoken.

Homfoken, or Hamfoken, is,
Hto be quit of Amercia-
ments for Entering into houses
violently and without licence,
and contrary to the Peace of
the King: And that you hold
Plea of such Trespass done
in your Court, and in your
Land.

Homfoken, ou Ham-
foken, est, quietum
esse de Amerciamētis de
Ingressu hospitiorum vio-
lenter & sine licentia, &
contra Pacem Domini Regis:
Et quod teneatis Placitū d'
hūmū Transgressa facta in Cu-
ria vestra, & in Terris vestris.

Homicide, or Man-
slaughter.

Homicide, ou Man-
slaughter.

Homicide or Manslaughter is
the Killing of a man felon-
ously, without malice fore-
thought. It is also defined
thus, Homicide is the killing of
a man by a man. But if it
be done by a Dog, Ox, or o-
ther thing, it is not properly
called Homicide. It is called
Homicidium, ab homine & cædo,
quasi Hominis cædium.

Homicide ou Manslaughter
est l' Occider de un home
feloniouslyment, sans malice
prepense. Il est aussy define
issint, *Homicidium est hominis
occisio ab homine facta. Si autē
à Cane, Bove, aut alia re fiat, non
dicitur proprie Homicid'. Di-
citur Homicidium ab homine
& cædo, quasi Hominis cæ-
dium.*

Homine capto in Wi-
thernamium.

Homine capto in Wi-
thernamium.

Homine capto in Witherna-
mum is a Writ to take
him that hath taken any
Bond-man or woman, and
led him or her out of the Coun-
ty, so that he or she cannot be
replevied according to Law.
Reg. Orig. f. 79. a.

Homine capto in witherna-
mum est un Brief d' pñ-
der luy q' ad prise ascun Vil-
laine ou Nief, & trahe luy ou
el hors d'l Countie, issint q'
il ou el ne poit estre replevie
accordant al Ley. Reg. Orig.
f. 79. a.

Homine replegiando.

HOmīne replegiando est un Brief pur le bailer des homes hors del prison. En queux cas es gīt, & en queux nemy, veies Fitz. N. B. f. 66. E. & yeies hic Tit. Replevin, in fine.

Honour.

HONOUR, prest le geñal signification, est use specialmēt p̄ le plus noble sort de Seigniories, de que auter inferiour Seigniories ou Mannors dependant per performance des Customes & Services, un ou auter, al ceux que sont Seigniors de eux. Et semble q̄ la sont nuls Honours fors q̄ ceux que originalment apperteinont al Roy; uncore ils poient en aps estre done ē fee al Noble-homes. Le manner del Creation de ceux Honours poit en part estre collect hors des Statutes de Anno 31 Hen. 8. cap. 5. lou Hampton-Court est fait ū Honour; & Anno 33 ejusd. cap. 37. & 38. per que Amptil & Grafton sont auxy faits Honours; & Anno 37 ejusd. cap. 18. per que le Roy ad payar done a luy per ses Letters Patents de erecte quater severall Honours, de Westminster, Kingston sur Hull, S. Osithes en Essex, & Dodington en Barkshire.

Homine replegiando.

HOmīne replegiando is a Writ to deliver men out of prison upon Bail. In what cases it lies, and in what notes in Fitz. N. B. f. 66. E. and see here in the Title of Replevin, in the end.

Honour.

HONOUR, besides the general signification, is used specially for the most noble sort of Lordships, whereof other inferiour Lordships or Mannors depend by performance of Customes and Services, some or other, to those that are Lords of them. And it seems there are no Honours but those which originally appertained to the King; yet they may afterwards be given in fee to Noblemen. The manner of Creating these Honours may in part be collected out of the Statutes of Anno 31 Hen. 8. cap. 5. where Hampton-Court is made an Honour; and Anno 33 ejusd. cap. 37, & 38. whereby Amptil and Grafton are likewise made Honours; and Anno 37 ejusd. cap. 18. whereby the King hath power given him by his Letters Patents to erect four several Honours, Westminster, Kingston upon Hull, S. Osithes in Essex, and Dodington in Barkshire.

Hornegeld.

Hornegeld is, to be quit of a certain Custome exacted by Tallage through all the Land, of whatsoever horn'd Beast.

Hors de son Fee.

Hors de son Fee is an Exception to avoid an Action for Rent, issuing out of certain Land, by him who pretends to be the Lord, or for some Customes or Services; for if he can justify that the Land is without the compass of his Fee, the Action falls. Broke, hoc Tit.

Hospitallers.

Hospitallers; (Hospitularii) an Order of Knights first founded at Jerusalem, and called the Iohannites or Knights of St. John of Jerusalem; and they were called Hospitallers, for that they built an Hospitall at Jerusalem for the entertainment of all such as from any part of the world came to visit the Holy places, and did guard and protect such Pilgrims in their journeyes. The Institution of their Order was first allowed by Pope Gelasius the second, about the year 1118. And they had many Priviledges granted them, as immunities from payment of Tithes, &c. And for

Hornegeld.

Hornegeld est, quicquam esse de quadam Consuetudine exacta per Tallagium per totam Terram, de quacunque Bestia cornuta.

Hors de son Fee.

Hors de son Fee est un Exception p. éviter un Action p. Rent, issuant hors del certain Terre, p. luy q. pretend de estre Sñr, ou p. quelq. Customs ou Services; car si il peut justifier q. le Terre est hors de son Fee, le Action morust. Broke, hoc Tit.

Hospitallers.

Hospitallers, (Hospitularii) un Order des Chivaliers primes foudue al Jerusalem, & appells Iohannites ou Chivalers d. S. John de Jerusalem; & fueront appells Hospitallers, p. ceo q. ils edificie un Hospitall al Jerusalem p. l'interreinir de ceux q. veignent de tous parts del monde p. visiter les Sacred lieux, & ils guardoient & defendiells Pilgrims e leur journeyes. Le Institution d. cest Order fuit primes allowe p. Pape Gelasius 2. entour l'an 1118. Et ils avoient mults Priviledges grantus as eux, come immunities del payant des Dismes, &c. Et p. ceux

ceux ils sont plusieurs fois
mentions en nostre Livres.
Trouveres leur Privileges as
our reserves en Mag. Chart.
cap. 27. Et poiez veoir l' Droit
des subjects l' Roy vindicte
Et usurpation de leur Juris-
diction p' l' Statute Westm. 2.
cap. 43. Leur chief Residence
est ore en l' Isle de Melita,
usualment appel Malta, done
as aux p'ces l' Emperour Charles
le cinquieme: Et par ces sont
appels ore Chivaliers d' Malta.
Tous les Terres & biens
ceux Chivaliers icy en Angle-
terre: fueront mises en la
disposition de Roy, per le
Statute de 32 Hen. 8. cap. 24.

Hotchpot.

Hotchpot est un Medling
ou mixing ensemble, &
un partition, de Terres done
en Frank-marriage, avec que-
suecs Terres & Fee-simple dis-
cousus. Par exemple, un l'ho
seise de xii acres de Terre en
Fee adissue deux Fils, &
donne oversq un d' ses Fils, a
un home q' luy marrie, les
acres d' c' Terre en Frank-
marriage, & morust seise de
les autres ix acres. Or si cel
q' est ainsi marrie vouloit
aver une part d' les xi acres
d' q' la Dove morust seise,
el doit mes les Terres done
en Frank-marriage en Hotch-
pot, c' est adire, el doit resus-
ler d' p'ndre les sole Profits d' l'
Terre done en Frank-mar-

these they are often mentioned
in our Books. You shall finde
their Priviledges reserved to
them in Mag. Chart. cap. 27.
And you shall see the Right
of the King's Subjects vindic-
ated from the usurpation of
their Jurisdiction by the Sta-
tute of Westm. 2. ca. 43. Their
chiefe Abode is now in the I-
land of Melita, commonly cal-
led Malta; given them by the
Emperour Charles the fifth.
And for that they are now cal-
led Knights of Malta. All the
Lands and goods of these
Knights here in England were put
in the disposition of the King
by the Statute of 32 Hen. 8. cap. 24.

Hotchpot.

Hotchpot is a Blending or
mixing together, and a
partition, of Lands given in
Frank-marriage, with other
Lands in Fee-simple discous-
ed. For example, A man seised
of xxx. acres of Land in Fee
hath issue two Daughters, and
gives with one of his Daugh-
ters, to a man that marries her,
xx acres of the same Land in
Frank-marriage, and dies in
possession of the other xx acres. Now
if she that is thus married will
have any part of the xx acres
whereof her Father died seised,
she must put her Lands given
in Frank-marriage in Hotch-
pot, that is, she must refuse to
take the sole Profits of the
Land given in Frank-mar-
riage.

stage, and suffer the Land to be commixt and mingled together with the other Land wherof her Father died seised, so that an equal Division may be made of the whole between her and her Sister. And thus for her x acres she shall have xv; and her Sister will have the xx acres of which their Father was seised.

riage, & suffer le Terre de estre commixt & mingle ensemble ovesqua le aut Terre de que sa Pere morust seisie, issint que un equal Division poit estre fait d'entente par entre luy & sa Soer. Et issint p sa x acres el avera xv; autrement sa Soer voit aver les xx acres de quux leur Pere morust seisie.

Houfebote.

Houfebote.

Houfebote is necessary. Where that the Lessee for years or for life, of common right, may take upon the Ground, to repair the Houses upon the same Ground to him leased, although it be not express in the Lease, and though it be a Lease by word, without Deed. But if he take more then is needfull, he may be punished by an Action of Waste.

Houfebote est necessaire. Merisme q le Lessee pour ans ou pur vie, de common droit, poit prendre sur le Terre, a repaïr les Maisons sur m le Terre a luy lessa, nient obstant il ne soit expresse en l' Lease, & nient obstant il soit un Lease p Parol, sans Fait. Mais il prist plus q besoign, il poit estre punish p un Actiō de Waste.

Hue and Crie.

Hue & Crie.

HUE and Crie is a Pursuit of one having committed felony by the High-Way: so if the party robbed, or any in the company of one that was murdered or robbed, comes to the Constable of the next Town, and tells him to raise Hue and Crie, or to make Pursuit after the Offender, describing the party, and shewing, as near as he can, which way he is gone; the Constable ought forthwith to call upon the Parish for aid

HUE & Crie est un Pursuit de un aiāt comit Felonie pur le Haut chemin: car si le partie rob, ou aucun en l' cōpanie de un q fuit murdē ou rob, vient al Constable del pchein Ville, & luy cōmanda de faire Hue & Crie, ou de faire Pursuit puis l' Offendor, describant le partie, & cy pres q il poit, monstras quel voy il est ale; le Constable doit immediarement de appeller sur le Paroche p aid en

en querance le Felon ; & si il ne soit trouue la, donq de donner garrein al pchein Cōstable, & il ad prochein a luy, jelsq le Offendor soit apprehend, ou al meins jelsq il soit este pursue al latere de Mere. De ceo veies *Bract. l. 3. tr. 2. c. 5. Smith de Repub. Angl. l. 2. c. 20.* & le Statute de *Winchest. fait An. 13 E. 1.* & le Stat. de 28 E. 3. c. 11. & an. 27 El. c. 13.

in seeking the felon ; and if he be not found there, then to give warning to the next Constable, and he to the next to him, untill the Offendor be apprehended, or at least untill he be so pursued to the Sea-side. Of this see *Bract. lib. 3. tract. 2. cap. 5. Smith de Repub. Angl. lib. 2. cap. 20.* and the Statute of Winchester made Anno 13 E. 1. and the Statute of 28 E. 3. cap. 11. and an. 27 El. cap. 13.

Huers.

Huers. Veies Conders.

Hundred.

Hundreds fueront devisee par Alfred le Roy, apres q il ad divide le entire Realm en certain pts ou sectiōs, le ql d le Saxon pol *Scyran*, significāt d scinder, il terme *Shires*, ou (sicōe nous uncof ple) *Shares & Portions*. Ceux *Shires* il auxy divide en petits pts ; de queux ascuns fuerōt appellees *Lathes*, de le pol *Gelathian*, q est de assembler ensemble : auts *Tithings*, pur ceo q la fuerōt ē chesc de eux al number d Dize psons, d q chesc fuit Suretie & pledge pur auters bone behaviour : auters *Hundreds*, pur ceo q ils contrain Jurisdictiō sur un Hundred hōes ou Pledges, d murāt padvent ē deux, ou trois, ou plus Paroches, Boroughs, ou Villes, estant & adjoyn-

Huers.

Huers. See Conders.

Hundred.

Hundreds were divided by King Alfred, after he had divided the whole Realm into certain parts or sections, which of the Saxon word *Scyran*, signifying to cut, he termed *Shires* ; or (as we yet speak) *Shares and Portions*. These *Shires* be also divided into smaller parts ; whereof some were called *Lathes*, of the word *Gelathian*, which is to assemble together : others *Tithings*, because there were in each of them to the number of Ten persons, whereof each one was Surety and pledge for others good abearing : others *Hundreds*, because they contained Jurisdiction over one Hundred men or Pledges, dwelling peradventure in two, or three, or more Parishes, Boroughs, or Towns, lying and adjoyn-

ing nevertheless somewhat near together, in which he appointed administration of Justice to be exercised severally among them of the same Hundred, and not that one should run out disorderly into another's Hundred, Lathe, or Tithing, where he dwells not.

These Hundreds continue to this day in force, although not altogether to the same purpose wherunto at first they were appointed, yet still to very needfull both in time of Peace for good order of Government divers ways, and in War for certainty of levying men; as also for the more ready Collection of Payments granted in Parliament to the Kings of this Realm.

Hundred-Lagh.

Hundred-Lagh signifies the Hundred-Court, from which all the Officers of the King's Forrest were freed by the Charter of Canutus, cap. 9.

Hundredum.

Hundredum is, to be quit of Money or Customs to be paid to Governours and Hundredors.

Husfastene.

Husfastene (quasi Domi fixus) is he that holds house and land. Bract. lib. 3. tract. 2. c. 10.

ant nient meines procheine ensemble, en le quel il appoint administration de Justice destre' exercise severalement enter eux de mesme le Hundred, & nemy q' l'un irra hors disordernt en l'auter Hundred, Lathe, ou Tithing, en que il ne demurt.

Ceux Hundreds continue a cest jour en force, nient obstant ne en tout alin le purpose pur que al primer ils fueront ordeine, uncore a ore mult necessarie, & en tēps de Peace pur bon order de Governant divers voies, & en Guerre p' certaintie de levying de hōes; cōe auterint pur le pluis speedie Collectiō des Payments grant en Parliamt a les Roys de ceo Realme.

Hundred-Lagh.

Hundred-Lagh signifie le Hundred-Court, de q'l tous les Officers d'l Forrest l' Roy fueront exempt per le Chartre de Canutus, cap. 9.

Hundredum.

Hundredum est, quietum esse de Denariis vel Consuetudinibus faciendis Præpositis & Hundredariis.

Husfastene.

Husfastene (quasi Domi fixus) est il q' tien Measō & Tfe. Br. l. 3. tr. 2. c. 10.
E c Husfines;

Hustings.

Hustings (*Hustingum*) est un Court de Common-Plees tenuz devāt le Maior & Aldermē de Londres, & est le plus hault Court que ils ont, car Error ou Attaint gist la dun Judgement ou faux Verdict en le Court le Viscount, come appiert per Fitz. N. B. 22. H. 6. & p le Statute de 11 H. 7. c. 21. Et ausē Citiees & Boroughs ont ew ū Court de m le nōm, cōe Winchester, Lincoln, York, & Sheppy. Isint appeil' d le Saxon *Hus, Domus, & Thing, Causa*; quasi, *Domus Causarum*.

Hustings.

Hustings (*Hustingum*) is a Court of Common-Plees held before the Maior and Aldermen of London, and it is the highest Court they have, for Error or Attaint lies there at a Judgement of false Verdict in the Sherif's Court, as it appears by Fitz. N. B. 22. H. 6. and by the Statute of 11 H. 7. cap. 21. And other Cities and Towns have had a Court of the same name, as Winchester, Lincoln, York, and Sheppy. So called from the Saxon *Hus, Domus, and Thing, Causa*; quasi, *Domus Causarum*.

I

Idemptitate, ou Identitate nominis.

Idemptitate nominis est un Brief q̄ gist lou Brief de Det, Covenār, Accompt, ou tiel semblable Bfe est port vers un hōe, & un aus que ad mesme le nōme ovē le Defendant est pris pur luy; donques il avera cest Brief, per que le Viscount f. ra inquirie devant le Justice assigne en mesme le Countie, si soit mesme le pson ou nemy; & sil ne soit troye le partie, donques il alera sans jour en peace.

I

Idemptitate, or Identitate nominis.

Idemptitate nominis is a writ that lies where a writ of Debt, Covenant, or Account, or such other writ is brought against a man, and another that hath the same name with the Defendant is taken for him; then he shall have this writ, by which the Sherif shall make inquiry before the Justice assigned in the same County, if he be the same person or not; and if he be not found to be the party, then he shall go without day in peace.

Ideot.

Ideot is he that is a natural fool from his birth, and knows not how to count, twen-tyence, or name his father or mother, nor tell his own age, or such like easie and com-mon matters, so that it appears he hath no manner of Under-standing, reason, or government of himself. But if he can reade, or learn to reade by instruction and information of others, or can measure an Ell of cloth, or name the Days of the week, or beget a Child, or such like, whereby it may appear he hath some light of Reason; such a one is no Ideot natu-rally.

Jeofaile.

Jeofaile is, when the parties to any Suit in pleading have proceeded so far that they have joyned issue, which shall be tri-ed, or is tried by a Jury or En-quest; and this Pleading or Issue is so badly pleaded or joyned, that it will be Error if they proceed: then some of the said parties may by their Counsel shew it to the Court, as well after Verdict given and after Judgment, as before the Jury is charged. And the Counsel shall say, This Enquest ought not to take. And if it be after Verdict, then he may say, To Judgment you ought not

Ideot.

Ideot est celuy q est un Sor natural d sa neisture, & ne scavoit d'accompter xx.d. ou nolsme son Pere ou Mere, ne d quel age luy mesme est, ou tiel semblable plaine & com-mon choses, issint q il appiert q il nad ascun manniere d'In-tendement, reason, ou govern-ment d luy mesme. Mes si il poit lier, ou apprehender de lier p instruction & informatio des auters, ou poit mesure un Ulne de drape, ou nolsme les Jours en le semaine, ou en-gend un Enfant, ou tiel sem-blable, p q il poit apparee q il ad asc' lumen de Reason; tiel nest Ideot naturalment.

Jeofaile.

Jeofaile est, quant les par-ties al ascun Suit en plea-dant ont a tant pceed q ils ayant joyned issue, quel serra trie, ou est trie p un Jurie ou Enquest; & cel Pleading ou Issue est cy malement plede ou joyned, que il serra Error si eux pceed: donque ascun del dits parties poit per lour Counsel monstre c' al Court, auxy bien apres Verdict done & devant Judgement, come devant le Jurie soit charge. Et le Counsel dirra, *Cest En-quest ne doit prendre*. Et si soit apres Verdict, donques il poit dire, *Al Judgement ne doves*

Ec 2

aler

aler. Et p̄ ceo q̄ per tiels nice-
ries mults delaies fueront en
Suits, divers Statutes s̄t faits
de redresser ceo, auxy bien en
temps d̄ Roy H. 8. an. 32. c. 30.
come en le temps le Roigne
Eliz. d̄ queux home poit dire
cōe les Civilians, *Quod tamē
etse Juris formulas amputari
jusserit Constantinus Impera-
tor, quotidianus tamē forensis
usus eas revocasse videtur, vel
potius, quod crescunt ut Hy-
dræ capita.* Veies auxy ore un
novel Statute de Jeofailes fait
en 21 Jac. c. 13.

Jetsam.

Jetsam est, quant un Niese
est ē peril destre merge, &
p̄ disburden le Niese les Ma-
riners jetta les biens en le
Mer : & puis nient obstat le
Niese p̄ish, nul d̄ ceux biens
que sont appel *Jetsam*, *Float-
sam*, ou *Lagan*, sont appel
wreck, cy long come ils re-
maine ē ou sur le Mer ; mes
si asc' d'eux sont mise al ēre
p̄ l' Mer, donq̄ ils seront dit
wreck, & passe p̄ le graunt d̄
wreck. *Coke, l. 5. f. 106.*

Illoyal Assemblée.

Illoyal Assemblée est, lou
people eux assemble infi-
mul p̄ faire illoyal chose en-
contre le Peace, nient ob-
stant que ils ne execuē leur
purpose en fait.

to go. And because such nice-
ties occasioned many delays in
Suits, divers Statutes are
made to redresse them, as well
in the time of King H. 8. an. 31.
c. 30. as of Queen Eliz. where-
of we may say as the Civil-
ians, That although Constantine
the Emperour commanded the forms
of the Law to be cut off, yet the
daily use of Pleading doth seeme
gain to recall them, or rather, some
of them increase as the heads of
Hydra. See also now a new
Statute of Jeofailes made in
21 Jac. c. 13.

Jetiam.

Jetiam is, when a Ship is in
danger to be cast away, and
to disburthen the Ship the
Mariners cast the goods into
the Sea : and although after-
ward the Ship perish, none of
those goods called *Jetiam*, *Float-
sam*, or *Lagan*, are called *Wreck*,
as long as they remain in
upon the Sea ; but if any of
them are driven to land by the
Sea, there they shall be reputed
Wreck, and passe by the grant of
Wreck. *Coke, l. 5. f. 106.*

Unlawful Assembly.

Unlawful Assembly is, when
people assemble themselves
together to doe some unlaw-
ful thing against the Peace, al-
though they execute not their
purpose in deed.

Imparlance.

Imparlance. See **Emparlance.**

Imparlance.

Imparlance. Veies **Emparlance.**

Impeachment of Waste.

Impeachment de Waste.

Impeachment of Waste (*Imperitio Vastii*) is as much to say as a Demand made or to be made of Recompence for waste done by a Tenant that hath but a particular Estate for life or years. And therefore he that hath such a Lease without Impeachment of Waste, hath by that a property or interest given him in the Houles and Treas. and may make waste in them, without being impeached for it, that is, without being questioned or demanded any Recompence for the waste done. See *Coke*, lib. Bowles Case, f. 82. b.

Impeachment de waste (*Imperitio Vastii*) est tant adire ceo un Demand fait ou destre fait p Waste fait p u Tenant q nad forsque un particulier Estate p vie ou p ans. Et pur c' cestuy q ad tiel Lease sans *Impeachment de waste*, ad per ceo un pperitie ou interest a luy done e les Measos & Arbres, & poit faire Waste en eux, sans estre impeach p ceo, cestascavoire, sans estre question ou ascun Recompence a luy demand p le Waste fait. Veies *Coke*, l. 11. en *Bowles Case*, f. 82. b.

Implements.

Implements.

Implements comes either from the French word (*Employer* to employ) or from the Latine (*Implere* to fill up,) and is used for things of necessary use in any Trade or Mystery, which are employed in the practice of the said Trade, or without which the work cannot be accomplish. Also for Furniture with which the House is filled. And in that sense you shall find the word often in Wills and Conveyances of Moveables.

Implements venust ou del parol Francois (*Employer*), ou del Latine (*Implere*), & est use p choses necessarie destre use en asc' Trade ou Myserie, queux sont employes en le practice del dit Trade, ou sans queux l'ouvrage ne poit estre accomplish, Auxy pur le Furniture quibus *impletur* Domus. Et en ceo sensé vous troveres le parol plusors fois e darreine Volunts & auters Conveyances des Moveables.

Impost.

Impost est un parol Francois q signifie Tribute, mes ove nous est prise pur le Tax pay al Roy pur ascun Merchandise emport en ascun Havre hors des lieux ouster le Mer. Et est use en le Statute de 31 Eliz.c.5. come un Synonymon ove *Custom* que Merchants payont.

Imprisonment.

Imprisonment est le Restraine del Libertie d'un hōc, soit c' ē l'overt Champs, ou en le Cippes ou Cage en les Streets, ou ē le pper Measoun d'un home, cybien cōe ē le comon Gaol. Et en routs ceux lieux le partie issint restraine est dit destre ū Prisoner, cy longernt come il nad son Libertie frankmt d'ire a routs tēps & lieux lou il voit, sans Baile ou Mainprise.

Incumbent.

Incumbent venust del Latine (*Incumbere*,) & signifie cestuy q est p̄sent, admit & institute al ascun Eglise ou Benefice ove Cure; q est p̄ ceo appel l'*Incumbent* de ceo Eglise, eo quod *incumbit* ad Curam animarum ibid. omni studio.

Impost.

Impost is a French word that signifies Tribute, but with us it is taken for the Tax that is paid the King for any Merchandise brought into any Haven from places beyond the Seas. And it is used in the Statute of 31 Eliz.c.5. as a word of the same signification with Custom which Merchants pay.

Imprisonment.

Imprisonment is the Restraine of a man's Liberty, whether it be in the open field, or in the Stocks or Cage in the Streets, or in a man's own House, as well as in the common Gaol. And in all these places the party so restrained is said to be a Prisoner, so long as he hath not his Liberty freely to go at all times to all places whither he will, without Bail or Mainprise.

Incumbent.

Incumbent comes of the Latine (*Incumbere*,) and signifies him that is presented, admitted and instituted to any Church or Benefice with Cure; who is therefore called the Incumbent of that Church, because he doth bend all his study to the discharge of the Cure there.

Indicavit.**Indicavit.**

Indicavit is a writ of Prohibition that lies for the Patron of a Church, whose Clerk is Defendant in Court-Christian in an Action for Tithes, commenced by another Clerk, depending to the fourth part of the Church, or of its Tithes; in which case the Suit belongs to the King's Court, by Westm. 2. c. 5. Wherefore the Defendant's Patron (being like to be prejudiced in his Church and Possession, if the Plaintiff obtains in the Court-Christian) *hæc dicit* means to remove it to the King's Court. Reg. orig. f. 35. and Britton, c. 109. This writ is not returnable; but if they cease not their Suit, he shall have an Attachment.

Indicavit est ū Bre ou Prohibition q̄ gist p̄ ū Patron d'un Esglise, quel Clerk est Defendant ē Court-Christian ē ū Action p̄ Tithes, commence p̄ ū aut Clerk, & extendant al quart part del Esglise, ou ses Tithes; ē quel case le Suit appertein al Court le Roy, p̄ Westm. 2. c. 5. Et pur cest cause le Patron del Defendant (estant ē pil destre p̄judice ē son Esglise & Advowson, si le Plaintife gaine ē le Court-Christian) ad cel meanes il remover al Court de Roy. Reg. orig. f. 35. & Brit. c. 109. Cest Brief nest retournable; mes s'ils ne cessent leur Suit, il avera un Attachment.

Inditement.**Indictment.**

Inditement. See Enditement.

Indictment. Veies Enditement.

Indorsement.**Indorsement.**

Indorsement is that which is written upon the Back of a Deed; as the Condition of an Obligation is said to be indorsed, because it is commonly written on the Back of the Obligation.

Indorsement est c' q̄ est escript sur le Dorse d'un Escrip; cōe le Condition d'un Obligation est dit destre indorse, p̄ ceo q̄ est communement escript sur le Dorse del Obligation.

Infangtheef.**Infangtheef.**

Infangtheef is a Privilege or Liberty granted to Lords

Infangtheef est ū Privilegio ou Libertie cōcedē al Sñrs del

del certain Mannors, p̄ juger
ascun Larrons prins deins
leur Fee.

of certain Mannors, to judge
any Thief taken within their
Fee.

Information.

Information pur le Roy est
ceo q̄ p̄ un comon p̄son est
appel un *Declaration*; & nest
touts fois fait directmt p̄ le
Roy ou son Attorney, mes p̄
un autre home, qui tam pro
Domino Rege quam pro seipso
sequitur, sur le breach d'as-
cun penal Ley ou Statute, en
que un Penaltie est done al
partie q̄ voit suer pur ceo;
mes nul Action de Det p̄ re-
cover c', donque il doit estre
cwe per *Information*.

Ingrosser.

Ingrosser venuist del parol
Francois Grosier, id est, So-
lidarius, venditor. Mēs en n̄re
Ley ū *Ingrosser* est ū q̄ achate
Blees, Graine, Beurre, For-
mage, Poisson, ou autre mort
Victuals, ove ū intent p̄ ceux
vend arere. Et issint il est de-
fine ē le Stat. de 5 E. 6. c. 14.
fait encounter tiel *Ingrosser*.

Inheritance.

Inheritance. Veies *Enheri-
tance*.

Inhibition.

Inhibition est un B̄re d'in-
hibir un Judge de p̄ceder

Information.

Information for the King is
that which for a common
person is called a Declaration;
and is not always done directly
by the King or his Attorney
but rather by some other man
who sues as well for the King as for
himself, upon the breach of some
penal Law or Statute, where-
in a Penalty is given to the
party that will sue for the same;
but no Action of Debt to reco-
ver it, therefore it must be had
by Information.

Ingrosser.

Ingrosser comes of the French
word Grosier, that is, one that
sells by whole-sale. But in
our Law an Ingrosser is one that
buies Corn, Grain, Butter,
Cheese, Fish, or other dead Vi-
tuals, with an intent to sell the
same again. And so he is de-
fined in the Stat. of 5 E. 6. c. 14.
made against such Ingrossing.

Inheritance.

Inheritance. See *Enheri-
tance*.

Inhibition.

Inhibition is a writ to in-
hibite a Judge to proceed
further

forth in the Cause depending before him. See F. N. B. f. 39. where he puts Prohibition and Inhibition together. Inhibition is most commonly a Writ issuing forth of an higher Court-Christian to a lower and inferior, upon an Appeal. Anno 24 H. 8. c. 12. and Prohibition out of the King's Court of Record at Westminster to a Court-Christian or to an inferiour Temporal Court.

Injunction.

Injunction is an interlocutory Decree out of the Chancery, sometimes to give Possession to the Plaintiff for defect of Appearance in the Defendant; sometimes to the ordinary Courts of the King, and sometimes to the Court-Christian, to stay Proceeding in a Cause upon suggestion made, that if the rigour of the Law take place, it is against Equity and Conscience in that Case. See West, part 2. tit. Proceedings in Chancery, sect. 25.

Inlagary.

Inlagary or Inlagation is a Re-stitution of one outlawed to the King's Protection, or to the benefit or condition of a Subject.

Inlaugh.

Inlaugh signifies him that is sub Lege, in some Frank-

ouster en le Cause dependant devant luy. Veies F. N. B. f. 39. ou il metta Prohibition & Inhibition ensemble. Inhibition est plus communément un B're issuant hors d'un plus haut Court-Christian a un plus basse & inferior, sur un Appel, Anno 24 H. 8. c. 12. & Prohibition hors del Court le Roy de Record al Westminster a un Court-Christian, ou a un inferior Court Temporal.

Injunction.

Injunction est un interlocutorie Decree hors del Chancerie, ascun foits a done Possession al Plaintife pur defect d'Apparence en le Defendant; asc' foits al ordinarie Court del Roy, & ascun foits al Court-Christian, d'estop Proceeding en un Cause sur suggestion fait, & si le rigour del Ley prend lieu, est encont Equitie & Conscience e cel Case. Veies West, part 2. tit. Proceedings in Chancerie, sect. 25.

Inlagarie.

Inlagarie ou Inlagation est le Restitutio d'un Urlawe al Protectio del Roy, ou al benefit ou condition d'un Subject.

Inlaugh.

Inlaugh signifie luy q' est sub Lege, e quelque Frank-plege,

pledge, nemy utlawe; & quel
voies *Bract. l. 3. tract. 2. c. 11.*

Inmates.

INmates sont ceux person-
tes d'un Familie q. sont pmie-
tes p. vner & inhabiter en u
Cottage ensemble avec un
auter Familie, per q. les po-
vers del. Parish serront in-
crease. Et p. ceo p. le Sta-
tute de 31 Eliz. c. 7. la est un
Penaltie d. dize soulds p. mois
impose per chescun que re-
ceivra ou continuera tiel
Inmate.

Inquisition.

INquisition. Veies Enquest.

Inrolment.

INrolment est le Registrer,
Recorder, ou Entrer d'asc.
Act ou Fait en le Chancerie
ou auters, come d'un Recog-
nissance, Fine, Statute, ou Fait
indent p. le Statute de 27 H.
8. c. 16. p. q. un Frank-tene-
ment passera.

Instant.

INstant (en Latine *Instant*)
est define p. les Logicians,
zenum indivisibile in Temp.
quod non est Tempus, nec pars
Temporis, ad quod tamen par-
tes Temporis copulantur, &
mult. consider en Ley: &
comt ne poit actualment est

pledge, not outlawed; of whom
see *Bract. l. 3. tract. 2. c. 11.*

Inmates.

INmates are those persons of
one family that are suffered
to come and dwell in one Cot-
tage together with another fa-
mily, by which the poor of the
Parish will be increased. And
therefore by the Statute of
31 Eliz. c. 7. there is a Penal-
ty of ten shillings a month
set upon every one that shall
receive or continue such an
Inmate.

Inquisition.

INquisition. See Enquest.

Inrolment.

INrolment is the Registring,
Recording, or Entering of
any Act or Deed in the Chan-
cery or elsewhere, as of a Re-
cognissance, Fine, Statute, or
Deed indented by the Statute
of 27 H. 8. c. 16. by which a free-
hold shall pass.

Instant.

INstant (in Latine *Instant*) is
defined by the Logicians:
A thing not dividable in Time;
which is not any Time, nor part
of Time, to which yet the parts
of Time are conjoynd, and much
considered in the Law: and
though it cannot be actually
di-

divided, yet in consideration and conceit it may be divided and applied to severall purposes, as if they were severall times; whereof see in Plowden's Commentaries in the Case between Fulmerston and Sward, where the Statute of 31 H. 8. (which enacted, That if an Abbot within a year before the Statute had letten Lands to one, who at the time of making that Lease had the same Land to farm for a term of years, then not expired, that the Lessee should have that Land onely for twenty one years) is expounded.

And there it is debated, That when the Termor takes the second Lease he surrenders his former term; and so at the same instant of taking the second Lease the former term is expired. And in the Case between Petit and Hales, he who kills himself, commits not felony till he be dead, and when dead, he is not in being, so as to be termed a felon, but at the instant is in the Law so adjudged.

And there are many other Cases in Law, where the instant time, that is not dividable in nature, in the consideration of the minde and understanding of the Sages of the Law is divided; upon which arise many arguments of great use and profound learning.

divide, uncore en considerac' & conceit il poit estre divide & apply al severall purposes, sicome fueront several temps; de quel veies en Plowden's Commentaries en le Case enter Fulmerston & Sward, lou le Statute 31 H. 8. (q' enact, Que si Abbe deins an devant cest Statute lessa Terre al un, q' al temps de leaseance de mesme le Lease eyr mesme le Terre al ferme pur terme de ans, donques nient expire, que le Lessee avera cest Terre solement pur vint un ans) est expound.

Et la est debate, Que quant Termor prent le second Lease, il surrender son form' terme; & sic al mesm temps del prisel del second Lease le former terme est expire. Et en l' Case enter Petit & Hales, cestuy que occide luy mesme, ranque soit mort, ne fesoit Felonie, & quant fuit mort, ne est en esse, issint que poit este dit Felon, mes al instant est en Ley adjudge Felon.

Et sont mults autres Cases en Ley, lou l' instant temps, que est indivisible en nature, en consideration del ment & entendment del Sages del Ley est divide; sur queux surde mults arguments de grand use & profound learning.

Intension.

Intension.

Intension est un Brief que gist vers celuy que entere apres le mort Tenant en Dower, ou ascun autre Tenant p' vie, & tenuit hors celuy en le Reversion ou Remainder. Veies p' ceo Fitz. N. B. fol. 203. E. Et chescun Entry sur le possession le Roy est appel un *Intension*; come sou le Heir le Tenant le Roy enter apres Office, & devant Liverie; ceo est dir un *Intension* sur l' Roy, come appiert en *Stamf. Prerog.* fol. 40. & mults autres Livres.

Interdiction.

Interdiction ad le m' signification en le Common coe & le Canon Ley, ove il e' issint define, *Interdictio est Censura Ecclesiastica prohibens administrationem Divinorum*. Et issint il e' use 22 Hen. 8. ca. 12.

Intrusion.

Interusion. Veies *Entension*.

Inventory.

Inventory est un Catalogue ou Recital en escript des rours les Biens & Chattels dun q' est mort, ove le Valuation deus p' quas credible p' sons, le quel chesc' Executor

Intension.

Intension is a Writ that lies against him that enters after the death of Tenant in Dower, or other Tenant for life, and holds out him in the Reversion or Remainder; for which see Fitz. N. B. fol. 203. E. And every Entry upon the possession of the King is called an Intension; as where the Heir of the King's Tenant enters after Office, and before Liverie, this is called an Intension upon the King, as appears in *Stamf. Prerog.* fol. 40. and many other Books.

Interdiction.

Interdiction has the same signification in the Common as in the Canon Law, where it is thus defined, *Interdictio est Censura Ecclesiastica prohibens administrationem Divinorum*. And so it is used 22 Hen. 8. cap. 12.

Intrusion.

Interusion. See *Entension*.

Inventory.

An Inventory is a Catalogue or Recital in writing of all the Goods and Chattels of one that is dead, with the Valuation of them by four credible persons, which every Executor

and

and Administrator ought to exhibit to the Ordinary at the time appointed him.

Joyntenants.

Joyntenants are, where two men come to any Lands and Tenements by one joynt Title; as if a man give Lands to two men, and to their Heirs.

Tenants in Common are, where two have Lands by severall Titles, or by Feoffment to two, to have and to hold the one half to one and his Heirs, and the other half to another and his Heirs: in all these cases none of them knows his severall.

If there be two or three Joyntenants, and one hath issue and dies, then he or those Joyntenants that overlive shall have the whole by Survivorship.

If two Joyntenants by agreement make Partition between them by Deed, then they are severall Tenants.

But if one Joyntenant grant that which belongs to him to a Stranger, then the other Joyntenant and the Stranger are Tenants in common.

And though two Tenants in common be seised thoroughly and of the whole, and none knows his severall; yet if one die, the other shall not have the whole by Survivorship, but the Heir of him that dies shall have the half.

& Administrator doit exhibir al Ordinarie al temps appoint.

Joyntenants.

Joyntenants sont, lou deux homes vient a asc' Tfs ou Tenements p un joynt Title; come si home done Terte a deux homes & leur Heires.

Tenants en common sont, lou deux ont Terres per severall Titles, ou per Feoffment al deux, a aver & tener l' un moyerie al un & ses Heires, & l'auter moyerie al auter & ses Heires: en tous ceux cas nul de eux scavoit son severall.

Si sont deux ou trois Joyntenants, & un ad issue & devie, donques cestuy ou ceux Joyntenants q' surviv' avera l'entier per Survivor.

Si deux Joyntenants font Partic' enter eux p Fait p agreement, donques ils sont severall Tenants.

Mes si un Joyntenant grāt c' q' a luy appent a ſi Estranger, donques l' auter Joyntenant & l' Estrang' sont Tenants en common.

Et mesque deux Tenants en common sont seise per my & per tout, & nul connaît son severall; uncore si un devie, l'auter ne avera l'entier per Survivor, mes l' Heire de celuy q' devie a vera le moietie.

Et

Erissent si sont trois Joyntenants, & un de eux fait Feoffment de son part a un autre, & le Feoffee devie; donqs son Heir. avera le tierce part, & les aufs deux sont Joyntenants come ils fuerōt, pur ceo que eux deux sont seises p un joynt Title.

Auxy si Terre soit done al baron & sa feme, & le baron alien & devie, le feme recouvrera lentierte: Mes si ils fuerōt Joyntenants devant le Coverture, donqs en tiel case il recouvrera forsq le moietie.

Si Terre soit done al baron & sa feme, & al tierce person; si le tierce person grant ceo q a luy appent, la moietie passa p cel Grant; pur ceo q le baron & sa feme sont forsq un pson en le Ley, & en cest case ils nount en droit forsque le moietie.

Auxy si deux Joyntenants sont des Terres en Ville que est Borough-Englith, lou Terre est devisable, & l'un p son Testamēt devisa ceo que a luy appent a un Estranger, & devie; cest Devise est void, & le autre avera lentierte per Survivor, pur ceo que le Devise ne poit fnder effect tanque apres le mort le Devisor; & immediatmt apres le mort le Devisor le droit devient al autre Joyntenant per Survivor, q ne clame riens p le Devisor, mes en son droit demesne per Survivor. Mes autermt est de Par-

And so if there be thre Joyntenants, and one of them makes a feoffment of his part to another, and the feoffee dies; then his Heir. shall have the third part, and the other two are Joyntenants as they were, because they two are seised by one joynt Title.

Also if Lands be given to the baron and his wife, and the husband aliens and dies, the wife shall recover the whole: But if they were Joyntenants before the Coverture, then she shall recover but the half.

If Land be given to the husband and his wife, and a third person, if the third person grant that which belongs to him, the one half passes by this Grant; for that the baron and his wife are but one person in Law, and in this case they have right but to half.

Also if two Joyntenants are of Lands in a Town that is Borough-Englith, where Land is devisable, and one by his Testament devises that which belongs to him to a Stranger, and dies; this Devise is void, and the other shall have the whole by Survivor, for that the Devise may not take effect till after the death of the Devisor; and immediately after the death of the Devisor the right comes to the other Joyntenant by Survivor, who claims nothing by the Devisor, but in his own right by Survivor. But oherwise it is of Parteners

comes: seized of Lands devi-
sable, causa qua supra.

censers seifies des Terres devi-
sables, causa qua supra.

Journies accounts.

Journies accounts.

Journies accounts (*Dietæ computatae*) is a term in the Law which is understood thus: If a writ be abated without the default of the Plaintiff or Demondant, he may purchase a new writ, which if it be purchased by Journies accounts, (that is, within as little time as he possibly can after the Abatement of the first writ) then this second writ shall be as a Continuance of the first, and so shall ouster the Tenant or Defendant of his Voucher, Plea of Non-ture, Joyntenance fully administered, &c. or any other Plea which arises upon matter hapning after the date of the first writ. And fifteen days have been held a convenient time for the purchase of the new writ. See for this writ by Journies accounts, *Spencer's Case*, *Coke*, lib. 6. fol. 9. b.

Journies accounts (*Dietæ computatae*) est un fine en le Ley que est entendu en cest manſi: Si un Brief soit abate sans le default le Plaintiff ou Demondant, il poit purchase un novel Bſe, que si soit purchase p Journies accounts, (cestaſcavoire, deins cy petite temps come il poit apres l' Abatement d'l primer Bſe) donq cest second Bſe serra eſe un Continuance del prim Bſe, & issint oustera l' Tenar ou Defendant de son Voucher, Plee de non-tenure, Joyntenance pleinſt administer, &c. ou ascun aut Plee que accrue sur matter apres le date d'l prim Brief. Et quinze jours ont est reputes un convenient temps pur le purchase del novel Brief. Veies pur cest Brief per Journies accounts, *Spencer's Case*, *Cok*. li. 6. fol. 9. b.

Joynture.

Joynture.

Joynture is an Estate and Assurance made to a Woman in consideration of Marriage, for term of her life, or otherwise; as is mentioned in the Statute of 17 Hen. 8. cap. 10. whether it be before or after Marriage. And if it be after, then she may at her liberty after the death

Joynture est un Estate & Assurance fait al un Feme en consideration de Marriage, p terme de sa vie, ou autrement; come est mention en l' Statute 27 Henr. 8. cap. 10. soit il devant ou apres Marriage. Et si soit apres, donques el poit a sa libertie apres le mort de

de sa baron refuser d' prendre
ou aver les Terres issint as-
sured p^r la Joynture, & demaünd
sa Dower a le Common Ley:
Mes si il soit fait devant Mar-
riage, donque el ne poit re-
fuser tiel Joynture, ne aver
Dower accordant al Common
Ley, si non que quant el port
sa Brief de Dower, le Defen-
dant pleade tiel Plee que ne
voile luy barrer de sa Dower;
sicome il dit en Barre, que sa
baron ne fuit seise de tiel Es-
tate, de que el poit estre en-
dowe, ou ascun tiel Plee, &
ne monstre que el ad un
Joynture fait, &c. & pur
ceci demaünd Judgement de
cel Action, ou ascun tiel sem-
blable Plee, &c. Et ceci fuit
le opinion de Monsieur Bro-
grave al son Lecture en
Grays Inne en Summer, An.
1567. 18 El. sur un branch
del Statute fait An. 27 H. 8.
cap. 10. concernant Joynt-
ures & Dowers.

Et de ceux choses de que
un feme poit estre endowe, el
poit aver un Joynture; come
de Mines, *Vesturam terræ*,
Boys, Villes, Isles, Meadows,
& tiels semblables. Item
de un Advowson, Reversion
dependant sur un Estate pur
vie, Wind-mill, hault Cham-
ber, Rectory, & tiels au-
ters; & ils sont appels *Tenements*.
Item dun Villeine,
car il est Hereditament. Et
de tous ceux profit poit veñi
al feme. Mes de ceux choses

of her husband refuse to take or
have the Lands so assured for
her Joynture, and demand her
Dower at the Common Law:
But if it be made before Mar-
riage, then she may not refuse
such Joynture, nor have Dower
according to the Common
Law, unless that when she
brings her Writ of Dower the
Defendant pleads such a Plea
as will not bar her of her
Dower; as if he say in Bar,
that her husband was not
seised of such Estate wherof
she might be endowed, or any
such Plea, and doth not shew
that she hath a Joynture made,
&c. and therefore demands
Judgement of that Action of
any such like Plea, &c. And
this was the opinion of Master
Brograve at his Reading in
Grays Inne in Summer, An. 1567.
18 El. upon a branch of the
Statute made 27 H. 8. cap. 10.
concerning Joyntures and Dow-
ers.

And of those things where-
of a woman may be endow-
ed, she may have Joynture;
as of Mines, *Vesturam*
terræ, Woods, Towns, Isles,
Meadows, and such like. Al-
so of an Advowson, Reversion
depending upon an Estate for
life, Wind-mill, high Cham-
ber, Rectory, and such other;
and they are called Tenements.
Also of a Villain, for he is an
Hereditament. And of all
these profit may come to the
woman. But of those things
wherof

whereof no profit will come,
but rather a charge, a Joynture
cannot be made. See
Coke, lib. 4. fol. 11. Vernon's
Case.

de que nul profit poir véner,
mes plustost un charge, un
Joynture ne poir estre fait.
Veies pur c' matter Co. li. 4.
fo. 11. Vernon's Case.

Jurisdiction.

Jurisdiction.

Jurisdiction is a Dignity
which a man hath by a
power to doe Justice in Cau-
ses of complaint made before
him.

Jurisdiction est un Dignité
q un homme ad per un po-
voir faire Justice en Causes
de complaint fait devant
luy.

Juris utrum.

Juris utrum.

Juris utrum is a Writ that lies
for the succeeding Incumbent
of a Benefice, to recover the
lands or Tenements belong-
ing to the Church, which were
aliened by his Predecessor.
And see of this Fitz. N. B. fol.
48. R. and see after in the Title
Utium.

Juris utrum est un Brief q
gist pur le successor In-
cumbent dun Bénéfice, pur
recover les Terres ou Tene-
ments appartenants al Eglise,
que sueront aliens p son Pre-
decessor. Et veies de ceo Fitz.
N. B. fol. 48. R. & veies aps
Tit. *utrum*.

Juror.

Juror.

Juror is one of those 24 or 12
men which are sworn to deli-
ver a truth upon such Evidence
as shall be given them touch-
ing the matter in question: of
which see Fitz. Nat. B. fo. 165.
D. and the Statute 16 and 17
Car. 2. ca. for returning able
and sufficient Jurors.

Juror est un de ceux 24 ou
12 homes q sont jure al
deliver le voiertry sur tel
Evidence comé ils serra don
touchant le matter en que-
stion: de queux veies Fitz.
Nat. B. fo. 165. D. & l' Stat. 16
& 17 Car. 2. cap. for return-
ning able and sufficient Jurors.

Justice seat.

Justice seat.

Justice seat is the highest
Court that is held in a For-
est, and it is always held be-
fore

Justice seat est le plus hault
Court q est tenu e u For-
rest, & est tous réps tenu d-
vant

vant le, S^r Chief Justice en Eyre del Forrest, sur un summons p^r 40 jours devant. Et la les Judgments sont tous foits dones, & Fines asselles pur Offences qⁱ fueront present as Courts del Attachments, & les Offendours indicted as Swaimotes, Veies de cest Court Manw. Forrest Leyes, cap. 24. fo. 238. b.

Justices en Eyre.

Justices en Eyre. Veies Eyre.

Justicies.

Justices est un Brief direct al Viscount pur l' dispatch del Justice en ascuns special casés en son Countey-Court, des queux il ne poit p^r son ordinarie poer tenir Plea la. Et de ceo poies veier Precedents en Fitzb. N. B. fo. 117. C. en Account, & fo. 152. B. en Annuity, & fo. 119. G. en Det., & p^r d^rors auters. Erest appel un Justices, pur ceo que est un Commission al Viscount ad iudiciandum aliquem; & ne require ascun Returne ou Certificate de cⁱ qⁱ il ad fait.

fore the Lord Chief Justice in Eyre of the Forrest upon warning 40 days before. And then the Judgements are always given, and the Fines set in Offences that were present at the Courts of Attachments, and the Offendours indicted at the Swaimotes. De concerning this Court Manwood Forrest Laws; cap. 24. fo. 238. b.

Justices in Eyre.

Justices in Eyre. De Eyre.

Justicies.

Justices is a Writ directed to the Sheriff for the dispatch of Justice in some special cases in his Countey-Court, of which he cannot by his ordinary power hold Plea there. And of this you may see Precedents in Fitz. N. B. fo. 117. C. in Account, and fol. 152. B. in Annuity, and Fol. 119. G. in Debt, and many others. And it is called a Justices, because it is a Commission to the Sheriff to doe a man right; and it requires no Return or Certificate of what he hath done.

K

Kiddle.

Kiddle or Kidel is a Dam or Wear in a River. All ~~Kidels~~ shall from henceforth be utterly put down in the Thames and Medway, and throughout all England, except upon the Sea-Coast. Mag. Char. tip. 24.

King's Silver.

King's Silver is the Money which is due to the King in the Court of Common Pleas. for a Licence there granted to any man to pass a Fine. Coke, lib. 6. fo. 39, & 43.

Kintal.

Kintal is a Weight, commonly of one Hundred pounds more or less, according to the Usage of sundry Nations. M. Plowden in the Case of Reniger & Fogossa makes mention of this word.

Knight's Service.

Knight's Service was a Tenure by which several Lands in this Nation were held of the King. But it is abolished by Statute 12 Car. 2. cap. 24.

K

Kiddle.

Kiddle ou Kidel est un Dam ou Wear en un River. Omnes Kidelli deponantur de cætero penitus per Thamesiam & Medeweyam, & per totam Angliam, nisi per costeram Maris. Magna Char. ca. 24.

King's Silver.

King's Silver est l' Argent q est debite al Roy en le Court de Common Plees, p un Licence y con- cesse al ascun home a passer un Fine. Coke, lib. 6. fo. 39, & 43.

Kintal.

Kintal est un Poids, com- muneent d' Cent livers, greinder ou meins, selon le Usage de divers Nations. Monsieur Plowden en l' Casé de Reniger & Fogossa fait mention de c' parol.

Knight-Service.

Knight-Service fuit un Tenure p quel pleu- seurs Terres en cest Nation suet tenus del Roy. Mes il est abolie p Statute 12 Car. 2. ca. 24.

F f 2

Laches.

L

Laches.

Laches ou Lasches est un veil pol Francois, q̄ signifie Negligence, come appiert en Lit. sect.

403, & 726. Iou *Laches* del Entrie nest riens fors q̄ un Neglect en le infant pur enf. Il sint q̄ moy semble que poit estre un vieux parol Anglois. Et q̄nt nous diomus, Icy est *Laches* d'Entrie, est tant a dire come, Icy est *Lacke* del Entrie. Il neore jeo trove que (*Lascher*) en Francois est *Laxare*, & (*Lasche*) significat *Ignavum* vel *flaccidum*: & pur ceo poit vener auxy d'l Francois. Car Etymologies sont divers, & plusors foits *ad placitum*.

Lagan.

Lagan est tiel parcel des Biés cōe les Mariners en le peril del Naufrage jectont hors del Niese; & pur ceo que ils scavoient que les biés sont ponderous, & voilont sinke, ils lient as eux un Boy ou Corke, al intent q̄ poient eux rrover, & re-aver. Si l' Niese soit merge, ou aufint perish, ceux biés sont appels *Lagan* ou *Ligan*, à *ligando*: & cy longent cōe ils cōtinue sur l' Mer, ils apperteinent al Admiral;

L

Laches.

Laches or Lasches is an old French word signifying Slackness or Negligence, as it appears in Lit. sect. 403,

& 726. where *Laches* of Entry is nothing else but a Negligence in the infant to enter. So that I think it may be an old English word. And when we say, There is *Laches* of Entry, it is as much as to say, There is Lack of Entry, or there is Lack of Entry. Yet I find that (*Lascher*) in French is to Loyer, and (*Lasche*) signifies one that is Idle or lazy: and therefore it may also come from the French. For Etymologies are divers, and many times *ad placitum*.

Lagan.

Lagan is such a parcel of Goods as the Mariners in a danger of Shipwreck cast out of the Ship; and because they know they are heavy, and will sink, they fasten to them a Woigh or Cork, that so they may finde them, and have them again. If the Ship be drowned, or otherwise perish, these goods are called *Lagan* or *Ligan*, à *ligando*: and so long as they continue upon the Sea, they belong to the Admiral; but

but if they are cast upon the Land, they are then called a Wreck, and belong to him that hath the Wreck, as it appears in Coke, l. 5. f. 106.

mes fils sont jectz sur le T're, adonq' ils sont appels *Wreck*, & apperteinont a celuy que avoit le Wreck, come appiert en Coke, l. 5. f. 106.

Lageman.

Lageman.

Lageman est Homo Legalis seu Legitimus, such as we call Good men of the Jury. The word is found in Dooms-day-Book.

Lageman est Homo Legalis seu legitimus, tiel que nous appellom' **Good men of the Jury**. Le parol est trove en *Dooms-day-Book*.

Lapse.

Lapse.

Lapse (Lapsus) is the Omis- sion of a Patron to pre- sent to a Church of his Patro- nage within six moneths after an Avoidance by death, or ta- king of another Benefice with- out qualification, or notice to him giben of the Resignation or Deprivation of the present In- cumbent; by which Neglect Title is giben to the Ordinary to collate to the said Church.

Lapfe (*Lapsus*) est l'Omis- sion del Patron pur pre- senter al Esglise de son Pa- tronage deins sixe mois apres Voidance per mort, ou prisel del auter Benefice sans quali- fication, ou notice a luy done del Resignation ou Depriva- tion del present Incumbent; per que Neglect Title accrue al Ordinaria pur collater al dit l'Esglise.

Larcenie.

Larcenie.

Larcenie is a wrongful Ta- king away another man's goods, but not from his person, with a mind to steal them.

Larcenie est un tortious Prisel des biens d'un aut' hōe, mes nemy de son pson, ove un ment d'eux embl'.

And Theft is in two sorts; the one so called simply, and the other Petit or Little Theft.

Et Larcenie est en deux sorts; l'un issint appel simple- ment, & l'auter *Petit Larcenie*.

The first is where the thing stolen exceeds the value of xii. d. and that is Felony.

Le prim' est lou le chose emblee exceeda le value d' xij. d. & ceo est Felonie.

The other (called Little or Petit Theft) is where the

L'auter (que est appel *Petit Larcenie*) est lou le

chose emblee ne exceda le
value de xij. d. & ceo nest
Felonie.

thing stolen doth not exceed the
value of xii. d. and that is not
felony.

Last.

Last.

Last signifie un certeine
Pois ou Burden; cōe un
Last de Herring est 10000;
Anno 31 E. 3. Stat. 2. c. 2. un
Last de Hides est douze do-
zen, Anno 1 Jac. c. 33.

Last signifies a certain weight
Load Burthen; as a Last of
Herring is ten thousand, Anno
31 E. 3. Stat. 2. c. 2. a Last of
Hides is twelve dozen, Anno
1 Jac. c. 33.

Lastage.

Lastage.

Lastage est, quietum esse
de quadam Consuetudine
exacta in Nundin' & Mer-
cat', pro rebus carandis ubi
homo vult.

Lastage is, to be quit of a cer-
tain Custom exacted in
Fairs and Markets, for car-
rying of things where a man
will.

Latitat.

Latitat.

Latitat est un B're p que
tous homes en Personal
Actions sont originalm't ap-
pels en Banke le Roy de res-
ponder. Et est appel Latitat,
p ceo q est suppose p le B're
q le Defendant ne poit estre
trove en le Countie del
Middlesex, cōe appiert per le
Retourne del Viscount d' c'
Countie, mes q latitat ē au^t
Countie: & p ceo al Visc'
de ceo Countie est cest B're
direct pur luy prender.

Latitat is a writ by which all
men in Personal Actions
are originally called into the
King's Bench to answer. And
it is called Latitat, because it is
supposed by the writ that the
Defendant cannot be found in
the County of Middlesex, as it
appears by the Return of the
Sheriff of that County, but that
he lurks in another County: and
therefore to the Sheriff of that
County is this writ directed to
apprehend him.

Law.

Law.

Law. Veies Ley.

Law. See Ley.

Law-day.

Law-day signifies a **Leet** or **Sheriff's Court**, as it appears by the Statute of 1 E. 4. c. 1. where the Sheriff's Court is so called, and 9 H. 7. f. 21. b. and many other Books, where a **Leet** is so called. See Smith's Common-wealth, l. 2. c. 21.

Law-day.

Law-day signifie un **Leet** ou Tourne del Visé, cōe appiert p le Stat. 1 E. 4. c. 2. lou le Tourne le Visé est issint appel, & 9 H. 7. f. 21. b. & plusors auts Livres, lou ū Leet est issint appel. Veies Smith de Repub. Anglorum, l. 2. c. 21.

Lawing of Dogs.

Lawing of Dogs. See Expedi-
tate.

Lawing of Dogs.

Lawing of Dogs. Veies Ex-
peditate.

Lawless man.

Lawless man is he who is extra
Legem, an Outlaw. Bract. l. 3.
tract. 2. c. 11. num. 1.

Lawless man.

Lawless man est il q est
Lextra Legem, un Outlaw.
Bract. l. 3. tract. 2. c. 11. num. 1.

Leases.

Leases are Grants or Demi-
sions, by one that hath any
Estate in any Hereditaments, of
those Hereditaments to another
for a lesser time. And they are
in divers manners; viz. for term
of Life, for Years, for another's
Life, and at Will.

Also a Lease of Land is as
good without Deed, as with
Deed.

But in a Lease for term of
Life it behoves to give Liberty
and Seisin upon the Land, or
else nothing shall passe by the
Grant, because they are called
Free-holds.

Also a Lease of a Common

Leases.

Leases sont Grants ou
Demises, p un q ad ascun
Estate ē Hereditaments, d ceux
Hereditaments al auf p meind
temps. Et c' sont en divers
manners, cestascavoire, p fme
de Vie, p Ans, p auter Vie,
& a Volunt.

Auxy un Lease de Trē est
auxy bone sans Faire, come p
Faire.

Mes en un Lease p fme de
Vie il covient de done Live-
rie & Seisin sur le Terre, ou
autermt riens. passera per le
Grant, p ceo q ils sont appel-
les Frank-tenements.

Aux ū Lease d'un Common
ff 4 ou

ou Rent ne poit este bone sans Fait.

Mes d'un Parsonage que ad Glebe il est bone sans Fait, pur ceo q le Glebe del Esglise, que est le principal, poit assets bien passer sans Fait; & issint les Dismes & Offerings, que sont come accessorie al Esglise.

Mes Dismes & Offerings per soy ne poient este lesses sans Fait, ut dicitur.

or Rent may not be good without Dæd.

But of a Parsonage that hath Glebe it is good without Dæd, for that the Glebe of the Church, which is the principal, may well enough passe without Dæd; and so the Dismes and Offerings, which are as accessary to the Church.

But Dismes and Offerings by themselves may not be let without Dæd, as it is said.

Leet.

Let est un Court derive hors del Tourne le Visc', & inquire des tous Offences south l'degree d Hault Treason q x sont comises encont le Coroe & Dignitie le Roy. Mes ceux Offences q x sont punies per perde de vie ou member sont solement inquireables la, & destré certifies ouster as Justices del Assise. Veies Stat. 1 E. 3 c. 17.

Leet.

Let is a Court derived out of the Sheriff's Tourne, and inquires of all Offences under the degree of High Treason that are committed against the Crown and Dignity of the King. But those Offences which are to be punished with losse of life or member are onely inquireable there, and to be certified over to the Justices of Assise. See Stat. 1 E. 3. c. 17.

Legacie.

Legacie (*Legatum*) est un lme del Civil Ley, & est ceo q nous en nre Ley appelomus un *Devise*, viz. Tres ou Biens done al asc' p le Volunté ou Testamnt d'un auter. Veies plus Tit. *Devise* devant.

Legacie.

Legacie (*Legatum*) is a term of the Civil Law, and it is that which we in our Law call a *Devise*, viz. Lands or Goods given unto any man by the Will or Testament of another. See more Tit. *Devise* before.

Lessor & Lessee.

Lessor est celuy que lessa Tres ou Tenements al aut

Lessor and Lessee.

Lessor is he that leases Lands or Tenements to another

for term of life, years, or at will: And he to whom the Lease is made is called Lessee.

pur terme de vie, ans, ou a volunt: Et celuy a q le Lease est fait est appel Lessee.

Levant and Couchant.

Levant & Couchant.

Levant and Couchant is said, when the Beasts or Cattel of a Stranger are come into another man's Ground, and there have remained a certain good space of time.

Levant & Couchant est dit, quant les Beasts ou Cattel d'un Estranger sont venue e le Tfe d'un aut hōe, & la ont remaine un certain bone space de temps.

Levari facias.

Levari facias.

Levari facias is a Writ directed to the Sheriff for the Levying of a summe of money upon the Lands, Tenements, and Chattels of him that hath forfeited a Recognisance. See F.N.B. f. 265. D.

Levari facias est un Bre direct al Viscount pur le Levier d'un summe des deniers sur les Tfes, Tenements, & Chatrels cestuy que ad forfeit u Recognisance. Veies F.N.B. f. 265. D.

Law.

Ley.

Law is, when an Action of Debt is brought against one upon some secret Agreement or Contract had between the parties without Especialty betwix, or other matter of Record; as in an Action of Detinue for some goods or chattels lent or left with the Defendant; then the Defendant may wage his Law, if he will, that is, swear upon a Book, and certain persons with him, that he detains not the goods, or owes nothing to the Plaintiff, in manner and form as he hath declared.

Ley est, quant Action de Det est port vers un sur asc' secret Agreeent ou Contract ewe pent les pries sans Especialtie monstre, ou auter matter d Record; cōe en un Action d Detinue pur ascuns biens ou chattels accomoda ou relinq ove le Defendant; donq le Defendant poit gager son Ley, sil voile, cest ascaivoire, jurer sur un Livre, & certeine psons ove luy, q il ne detaine les biens, ou doit riens al Plaintife, en manner & forme come il ad declare.

And it is allowed onely in cases of Secrecie, where the

Et c'est allowe solement en cases de Secrecie, ou le Plain-

Plaintife ne poit prover le Surmise de son Suit p aucun Fait ou Overt action : car le Defendant poit ceo discharge secretment penter eux, sans asc^r Acquittance ou Publicq act. Et p ceo en Action d^r Det sur un Lease p ans, ou sur Arerages d^r Accompt devant Auditors assigne, home ne gagera son Ley.

Mes quant un gagera son Ley, il amesnera ovesque luy vj, viij, ou xij de ses Vicines, come le Court luy assignera, de jurer ovesque luy ; mult semble al Seremt que eux fe- soient q sont uses, en le Civil Ley, de purger auters d^r aucun crime al eux impute, q sont appel *Compurgators*.

Nota q l^r Offer de faire le Seremt est appel le *Gager del Ley* ; & quant il est accomplish, donques est appel le *Fesans del Ley*.

Et si le Viscount en aucun Action retourne, q il eyt summon le Defendant d^r apparee en Court a aucun jour a res- ponder le Plaintife, a quel jour il fait Default ; Pro- cesse serra agard vers luy, de vener & save, ou excuse son Default ; que est tant adire, come a purgare moram, ou auterment de perdre le chose demand ; Et le Defendant vient, & jure que il ne fuit summon, que est appel *gager del Ley*, donques il doit ceo faire al jour assigne, ove xij auters. Et en *fesans del*

Plaintiff cannot prove the Surmise of his Suit by any Deed or Open act : for the Defendant might discharge it privily between them without any Acquittance or Publick act. And therefore in an Action of Debt upon a Lease for years, or upon Arerages of Accompt before Auditors assigned, a man shall not wage his Law.

But when one shall wage his Law, he shall bring with him vij, viij, or xij of his Neigh- bours, as the Court shall assign him, to swear with him ; much like the Oath which they make who are used in the Civil Law, to purge others of any crime laid against them, who are called *Compurgators*.

Note that the Offer to make the Oath is called Wager of Law ; and when it is accomplish- ed, then it is called the Doing of your Law.

And if the Sheriff in any Action return, that he hath sum- moned the Defendant to appear in Court at any day to answer the Plaintiff, at which day he makes Default ; Proccesse shall be awarded against him, to come and save, or excuse his Default ; which is as much to say, as to excuse the Delay, or otherwise to lose the thing de- manded : And the Defendant comes, and swears he was not summoned, which is called wa- ging of Law ; then he ought to do it at the day assigned, with xij others. And in doing of his Law

Law he ought upon his Oath to affirm directly the contrary of that which is imputed to him ; But the others shall one-ly say, they think he saith the truth.

Ley il doit sur son Serement affirmer directement al contraire de c' q̄ est imputé a luy : Mes les autres dirra seulm̄t, que eux entende que il dit le veritie.

Libel.

Libel.

Libel (Libellus) is a term of the Civil Law, signifying the Originall Declaration in any Action ; and so it is used in the Statutes of 2 H. 3. cap. 3. and 2 E. 6. cap. 13. And an infamous Libel signifies properly in our Law a Scandalous report of any man unlawfully published in writing : of which see Cok. lib. 5. fol. 125. a.

Libel (Libellus) est un terme del Civil Ley, & signifie l' Original Declaration en ascun Action ; & il- l'int est use en les Statutes 2 Hen. 3. cap. 3. & 2 E. 6. cap. 13. Et famosus Libellus signifie pperunt enfe Ley ū Scādalous report d'asc' hōe illoyalmt̄ public en escript. Veies d̄ ceo Cok. l. 5. f. 125. a.

Liberate.

Liberate.

Liberate is a Warrant issuing out of the Chancery to the Treasurer, Chamberlains, and Barons of the Exchequer, or Clerk of the Hamper, &c. for the Payment of any yearly Pension, or other Summe granted under the Great Seal. Regist. orig. 193. Sometimes to the Sheriff, &c. Fitz. N. B. fol. 132. for the delivery of Lands or Goods taken upon forfeiture of a Recognizance, F. N. B. 131, 132. Cok. lib. 4. Fulwood's Case, fol. 64, 66, 67. Also to a Gaoler from the Justices, for the delivery of a Prisoner that hath put in Bail for his Appearance.

Liberate est un Garrāt issuant hors del Chancerie al Treasurer, Chamberlains, & Barons del Eschequer, ou Clerke del Hamper, &c. pur le Payment d̄ ascun annual Pension, ou auter Summe grōunt south le Grand Seal, Regist. orig. 193. Ou ascun foits al Viscount, &c. F. N. B. fol. 132. pur le deliverie d̄ Terres ou Biens prise sur Forfeiture dun Recognisāce, Fitz. N. B. 131, 132. Cok. lib. 5. Fulwood's Case, fol. 64, 66, 67. Auxy a un Gaoler del Justices, pur le deliverie d̄ un Prisoner q̄ ad mitra eins Baile pur sō Appearance.

Libertate probanda.

Libertate probanda. Viſt de
Lacco ē le Title Nativo ha-
bendo.

Libertate probanda.

Libertate probanda. Look for
that in the Title Nativo ha-
bendo.

Librata Terra.

Librata Terra cōteīn qua-
ter Ox-gangs, & cheſcun
Ox-gang 13 Acres de Terre.
Skene de verb. ſignif. verbo
Bovata Terra.

Librata Terræ.

Librata Terræ contains four
Ox-gangs, and every Ox-
gang 13 Acres of Land. Skene
de verb. ſignif. verbo Bovata
Terræ.

Ligeance.

Ligeance eſt un voif &
loyal Obedience del Sub-
ject due a ſon Souveraigne ;
& ceſt Ligeance, que eſt un
incident inſepable a cheſc'
Subject, eſt en quater man-
ners : le primer eſt *natural*,
le ſecond *acquirus*, le tierce
local, & le quart *legal*. De
routs q̄x vous poies lier mult
bone erudition en *Cok. lib.*
7. Calvin's Caſe.

Ligeance.

Ligeance is a true and faith-
full Obedience of the Sub-
ject due to his Souveraign ; and
this Ligeance, which is an in-
cident inſeparable to every
Subject, is in four manners :
the firſt is *natural*, the ſecond
acquired, the third *local*, and
the fourth *legal*. Of all which
you may read much excellent
learning in *Cok. lib. 7. Calvin's*
Caſe.

Limitation.

Limitation eſt un Aſſign-
ment d' ſpace ou temps,
deins quel ceſtuy q̄ voil' ſuer
p' ſcuns Terres ou Heredita-
m̄ts doit p̄ver, que il ou ſon
Anceſtor fuit ſeiſie del choſe
demaund, ou autrement ne
maintiendra ſon Suit ou A-
ction ; quel Aſſignments ſont
faits per divers Statutes :
Com le Stat. de *Merton, ca. 8.*

Limitation.

Limitation is an Aſſignment
Loſ a ſpace or time, within
which he that will ſue for any
Lands or Hereditaments ought
to prove, that he or his Ance-
ſtor was ſeiſed of the thing de-
manded, or otherwiſe he ſhall
not maintain his Suit or Ac-
tion ; which Aſſignments are
made by divers Statutes : As
the Statute of *Merton, cap. 8.*
Westm.

Westm. 1. cap. 38. 32 Hen. 8.
cap. 2. &c.

Westm. 1. cap. 38. 32 Hen. 8.
cap. 2. &c.

Liverie of Seisin.

Liverie of Seisin is a Ceremonie used in Conveyance of Lands or Tenements, where an Estate in Fee-simple, Fee-tail, or a Freehold shall passe. And it is a Testimoniall of the willing Departing of him who makes the Liverie from the thing whereof Liverie is made. And the receivng of the Liverie is a willing Acceptance by the other party of all that whereof the other hath devested himself. And it was invented as an open and notorious thing, by means whereof the common people might have knowledge of the Passing or Alteration of Estates from man to man, that thereby they might be the better able to try in whom the right and possession of Lands and Tenements were, if they should be impanelled in Juries, or otherwise have to doe concerning the same.

The common manner of Deliverie of Seisin is thus: If it be in the open Field, where is no Building or House, then one that can read takes the Writing in his hand, if the Estate passe by Deed, and declares to the Sanders by the cause of their meeting there together, &c. and then openly reads the Deed, or declares the effect thereof; and after that is sealed, the par-

Liverie de Seisin.

Liverie de Seisin est un Ceremonie use en Conveyance de Terres ou Tenements, lou un Estate en Fee-simple, Fee-taille, ou un Franktenement passera. Et il est un Testmoigne de le voluntarie Departing d' luy q fait le Liverie del chose de que Liverie est fait. Et le rescit del Liverie est un voluntarie Acceptance per le auter partie de tout ceo de que auter ad luy deveste. Et suit invent come un overt & notorious chose, per meanes de que le common people poient aver Intelligence de Passing ou Alteration de Estates de hōe al home, que per ceo ils poiēt estre le melieur able pur trier en que le droit & possession de Terres & Tenements fueront, s'ils doient estre empanel en Jures, ou autrement ont a faire concernant ceo.

Le comōn mañer de Liverie de Seisin est c'est sort: Si il soit en l' overt Champ, ou ne sont Edifices ou Meason, donqs un que poit lier prist le Fait en son maish, si l' Estate passera p' Fait, & declara al eux q la soit: le cause de lour vener la enseble, &c. & donqs overtrunt lia le Fait, ou declare l' effect de ceo; & apres que il est scale, le partie

ricque est a departer ove le Terre prist le Fait & la mainz ovesq un Clod del terre, & u Twigge ou Bough, sil y ad aucun la, q il deliver al auter partie en le nosme de Possession ou Seisin, accordant al forme & effect del Fait la lie ou declare. Mes sil soit un Habitation ou Edificee sur le Terre, donques ceo est fait a Door de ceo, nul ekeant relinquish a cest temps deins le Meason; & le partie deliver routs les avantdits, ovesque l' Annuel de le Door, en nosme de Seisin ou Possession; & il que receiva le Liverie entra primes sole, & shutta le doore, & presentment overt ceo, & lessa eux ens, &c. Sil soit de un Meaton a que est nul Terre, le Liverie est fait & Possession prise per le deliverie del Annuel de le Door & Fait seulement. Et lou il est sans Fait, de Terres ou Tenements, la se pte declare per Parol, devant resmoignes, l' Estate ovesq il entende de departer, & donques deliver Seisin ou Possession en maner avantdit. Et issint le Terre ou Tenement passera cybien cbe per Fait, & ceo per force de Liverie de Seisin. Il fuit agreee en *Gray's Inn* per Master Snagge, al son Lecture la en Summer, Anno 1574. Que si un Feoffor deliver la Fait & view del Terre, en nosme de Seisin, que il est

ty who is to depart from the Ground takes the Dæd in his hands, with a Clod of the earth, and a Twig or Bough, if any be there, which he delivers to the other party in the name of Possession or Seisin, according to the form and effect of the Dæd there read or declared. But if there be a Dwelling-house or Building upon the Land, then this is done at the Door of the same, none being left at that time within the House; and the party delivers all aforesaid, with the Ring of the Door, in the name of Seisin or Possession; and he that receives the Liverie enters in first alone, and shuts the door, and presently opens it again, and lets them in, &c. If it be a House whereto is no Land or Ground, the Liverie is made and Possession taken by the delivery of the Ring of the Door and Dæd only. And where it is without Dæd, either of Lands or Tenements, there the party declares by Word of mouth, before witnesse, the Estate that he means to depart with, and then delivers Seisin or Possession in manner aforesaid: And so the Land or Tenement doth pass as well as by Dæd, and that by force of the Liverie of Seisin. It was agreed in *Gray's Inn* by Master Snagge, at his Reading there in Summer, Anno 1574. That if a Feoffor deliver the Dæd in view of the Land, in name of Seisin, that is good.

good, because he hath a Possession in himself. But otherwise it is an Attorney, for he must go to the Land, and take Possession himself, before he can give Possession to another, according to the words of his Warrant, &c. And where Livery of Seisin is by View, if the Feoffee do not enter after, &c. nothing passes; for he ought to enter in due time.

Lollards.

Lollards were Dogmatists in Religion in the times of E. 3. and H. 5. and in those times were reputed Hereticks; as appears by the Statutes in 5 R. 2. cap. 5. and 2 H. 5. cap. 7. Which Statutes you shall finde repealed in 1 E. 6. cap. 12. and 1 El. cap. 1. They had their name (as some think) from one Gualter Lollhard a German, who lived about the year 1315. and was the first author of this Sect.

Lord in Groffe.

Lord in Groffe is he who is Lord without a Manor, as the King in respect of his Crown, Fitz. Nat. Brev. fol. 5. A man makes a Gift in tail of all his Land, to hold of him, and dies; his Heir hath nothing but a Seigniorie in Groffe.

bone, par ceo que il ad un Possession en luy mesme. Mes autrement est d'un Attorney, car il doit aler al Terre, & prise Possession luy mesme, devant que il poit doner Possession al autre, accordant al parols de son Warrant, &c. Et lou Liverie de Seisin est p le View, si le Feoffee ne entree pas puis, &c. nul chose passe, car il doit entrer en fait.

Lollards.

Lollards fueront Dogmatists en Religion en le temps E. 3. & H. 5. & en ceux temps fueront reputes Hereticks; cõe appiert p les Stat. en 5 R. 2. cap. 5. & 2 H. 5. cap. 7. Queux Stat. vous troveres repealed en 1 E. 6. c. 12. & 1 El. cap. 1. Avoient leur denomination (cõe ascuns pensoient) del un Gualt. Lollhard un Germanois, qui vit circa an. Dom. 1315. & fut l'prim author d cest Sect.

Lord en Groffe.

Lord en Groffe ē il q ē Sir sans Manor, cõe le Roy ē respect de son Coron, F. N. B. fo. 5. Un hōe fait Don en taile de tout son Terre, a retenir de luy, & morast; son Heire nad rien forsque Seigniorie en Groffe.

Lothervit.

Lootherwit est, quod capi-
Latis emendas ab ipso qui
corrumpit vestram Nativam
sine licentia vestra.

Lushborow.

Lushborow fuit un count.
Lusceit Coin en le tēps E. 3.
fait ouster le Mer, en simili-
tude des deniers Anglois, &
port eins pur deceiver le
Roy & ses Subjects. Et p̄ ceo
est declare destre Treason p̄
le Statute 25 E. 3. Stat. 5.
cap. 2. p̄ ascun home de ceo
porter deins le Realm, sil
scavoit q̄ est faux.

*Lushburgh.**M**Magbote.*

Magbote Cōpen-
satio pro Cog-
nato interfecto.

Maihem ou Maimie.

Maihem est, lou p̄ tor-
tious act d̄ auter ascun
Member est dampniē ou
tolle, per que le partie est
fait imperfect a combare:
Come si un Osse soit prise
hors del Test, ou un debruisse
en ascun aut̄ pr del Corps, ou
un Pee, ou Main, ou Digit, ou
joynt d̄ un Pee; ou asc̄ Mem-
ber soit scy; ou p̄ asc̄ plage

Lothervit.

Lootherwit is, that you may
take amends of him who
doth defile your Womman
without your licence.

Lushburgh.

Lushburgh was a counterfeit
Coin in the time of E.
made beyond Seas, in like-
nesse of English moneys, and
brought in to deceive the King
and his Subjects. And there-
fore it is declared to be Treas-
on by the Stat. of 25 E. 3. Stat.
5. cap. 2. for any man to bring it
into the Realm, knowing it to
be false.

*Lushburgh.**M**Magbote.*

Magbote was a com-
pence for a man
kain.

Maihem or Maimie.

Maihem or Maimie is, when
by the wrongfull act of an-
other any Member is hurt or
taken away, whereby the par-
ty is made imperfect to fight.
As if a Bone be taken out of
the Head, or broken in any o-
ther part of the Body, or foot,
or hand, or finger, or joint
of a foot; or any Mem-
ber be cut; or by some wound
sho

the *Stuets* be made to shrink, or the fingers made crooked; or if any Eye be put out, foreteeth broken, or any other thing hurt in a man's Body; by means whereof he is made the lesse able to defend himself, or offend his enemy.

But the cutting off of an Ear or Nose, or breaking of the Under-teeth, or such like, is no *Maihem*: because it is rather a Deformity of body then Diminishing of Strength; and that is commonly tried by the Justices beholding the party. And if the Justices stand in doubt whether the hurt be a *Maihem* or not, they use and will of their own discretion take the help and opinion of some skilfull Chirurgeon, to consider thereof, befoze they determine upon the Cause.

Mainpernable.

Mainpernable: that may be mainprised or delivered to Mainpernors. See the Statute of Westm. 1. Cap. 15. what persons be mainpernable, what not.

Mainprise.

Mainprise is, when a man is arrested by *Capias*, the Judge may deliver his body to certain men to keep, and to bring befoze him at a certain day; and these are called Mainpernors: and if

les Nerves sont fait d shrinker, ou les Digits fait curve; ou si un Oyel soit mise hors, anterior Dents dbruisse, ou asc' auter chose en le Corps dun home; p reason de quel il est fait le meins able pur defender luy mesme, ou offensd son enemy.

Mes le seire de un Oriol ou Nase, ou lenfreinder d'l Ders moliers, ou tiels semblables, nest asc' Maihem, pur ceo q il est puis un Deformitie de le corps q u Defect d'l Strength; & ceo est communemt try p l' inspection del partie p les Justices. Et si les Justices sont en doubt si le damage soit un *Maihem* ou nemy, ils use & voient de lour grand discrecion prendr l' aide & opiniõ de ascun credite Surgeon, pur consider de ceo, devant que ils determine sur le Case.

Mainpernable.

Mainpernable: q poit estf mainprise ou delivered al Mainpernors. Veies le Statute de Westm. 1. Cap. 15. qx psons sot mainpernable, qx nemy.

Mainprise.

Mainprise est, quant un hom est arrest p *Capias*, les Judges poient deliver son corps a certain hões pur garder, & de luy amesner devant eux a certain jour; & eux sot appellees Mainpernors: & si

le partie ne appeare al jour assigne, l' *Mainpernors* seront amercie.

the party appear not at the day assigned, the *Mainpernors* shall be amerced.

Maintenance.

Maintenance.

Maintenance est, lou asc' hōe don ou d'livrer a ū aut, que est Plaintife ou Defendant en asc' Action, asc' somme d'argent ou aut chose pur maintenir son Plee, ou fait extreme labour pur luy qnt il nad riens a ceo faire; donq's laut ptie grieve avera vers luy un Brief appelle Bfe de *Maintenance*.

Maintenance is, where any man gives or delivereth to another, that is Plaintiff or Defendant in any Action, any sum of money or other thing to maintain his Plea, or takes great pains for him when he hath nothing therewith to do; then the party grieved shall have against him a Writ called a Writ of *Maintenance*.

Manbote.

Manbote.

Manbote signifie ū Pecuniarie Cōpensation p le occider d'un hōe. *Lambert.*

Manbote signifies a Pecuniary Compensation for the killing of a man. *Lambert.*

Mandamus.

Mandamus.

Mandamus est un Bfe q illuist al Escheator p le trover dun Office apres le mort dun q morust Tenant le Roy; & est tant ū ove le Bfe de *Diem clausit extremum*, si non q le Bfe de *Diem clausit extremum* illuist deins l' an apres le mort, & le *Mandamus* ne illuist ranque apres le an, & en case lou ne fuit ascun *Diem clausit extremum* sue hors, ou al meins nient sue cum effectu. *Fitz. N. B. fol. 253. B. C. Veies le Stat. 12 Car. 2. cap. 24.*

Mandamus is a Writ that goes to the Escheator for the finding of an Office after the death of one that died the King's Tenant; and it is all one with the Writ of *Diem clausit extremum*, but that the *Diem clausit extremum* goes out within the year after the death, and the *Mandamus* goes not out till after the year, and in case where there was never any *Diem clausit extremum* sued out, or was not sued out with effect. *Fitz. N. B. 253. B. C. See the Stat. 12 Car. 2. cap. 24.*

Mannor.

Mannor is compounded of divers things, as of a house, arable Land, Pasture, Meadow, Wood, Rent, Advowson, Court-Baron, and such like, which make a Mannor. And this ought to be by long continuance of time, the memory whereof man's memory cannot discern: for at this day a Mannor cannot be made, because a Court-Baron cannot now be made, and a Mannor cannot be without a Court-Baron, and Suiters or Freeholders, two at the least; for if all the Freeholds except one cleave to the Lord, or if he purchase all except one, there his Mannor is gone, for that it cannot be a Mannor without a Court-Baron, (as is aforesaid;) and a Court-Baron cannot be holden but before Suiters, and not before one Suiter: and therefore where there is one Freehold or Freeholder is, there cannot be a Mannor properly, although in common speech it may be so called.

Mansion.

Mansion (Mansio) is most commonly taken for the chief Messuage or Habitation of the Lord of a Mannor, the Mannor-house where he doth now reside, his Capital Mes-

Mannor.

Mannor est compound d' divers choses, come de ū Meason, Terre arable, Pasture, Pree, Boys, Rent, Advowson, Court-Baron, & riels semblables, q̄x font un Mannor. Et ceo doit estre p̄ antient continuance de tēps, cūjus contrarium memoria hominum non existat: car a ceo jour un Mannor ne poit estre fait, pur ceo q̄ un Court-Baron ne poit estre fait ore, & un Mannor ne poit estre sans un Court-Baron, & Suiters ou Frank-tenants, deux al meins; car si touts les Frank-tenements forsque ū elcheate al Seignior, ou sil purchase touts preter un, la son Mannor est ale, pur ceo que il ne poit estre un Mannor sans un Court-Baron, (come avant-dit;) & un Court-Baron ne poit estre tenu mes devant Suiters, & nemy devant un Suiter; & ideo lou forsque un Frank-tenement ou Frāk-tenāt est, la ne poit estre Mannor proprement, com̄t en com̄on parlant ceo poit estre issint appel-

Mansion.

Mansion (Mansio) est plus usualment prise pur le chief Messuage ou Habitation del Sñr dun Mannor, le Mease del Mannor en q̄ il plustost reside, Capitale Mes-

suagium, come est appel ; de que le feme per le Statute de *Mag. Chart. cap. 7.* avera sa Quarentine.

suage, as it is called ; of which the wife by the Statute of *Mag. Chart. cap. 7.* shall have her Quarentine.

Manucaptio.

M*anucaptio* est un Brief q̄ gist pur cestuy que est arrest ou indite d'Felonie, & offer sufficient Sureties pur son Appearance ; mes le Viscount, ou cestuy que concerne, ne voit luy admit deestre baile : donq̄ il avera cest Brief, eux mandant de luy lesser a Mainprise. Veies de ceo *Fitz. N. B. fo. 249. G.*

Manucaptio.

M*anucaptio* is a Writ that lies for him who is arrested or indicted of Felony, and offers sufficient Sureties for his Appearance ; but the Sheriff, or he whom it concerns, will not suffer him to be bailed : then he shall have this Writ, to command them to suffer him to be bailed. See of this *Fitz. N. B. fol. 249. G.*

Manumission.

M*anumission* est le fessans dun Villein deestre franke, & puit estre en deux sorts ; le un est un Manumission explicita, l'auter un Manumission implicita.

Manumission explicita est quant le Sñr fait un Fait al son Villein pur luy enfranchiser per cest parol (*Manumittere*,) quod idem est quod extra manum vel extra potestatem alterius ponere.

Le manner de Manumitting ou Enfranchising en tēps passé plus usuellement fuit issint : Le Sñr (en presence de ses vicines) prist le Villein per le Test, disant, *Jeo voile que cest home soit franke* ; & ove ceo il luy mise avant hors de ses maines, & per c' il fuit franke.

Manumission.

M*anumission* is the making a Bondman free, and may be in two sorts ; the one is a Manumission expressed, the other a Manumission implied.

Manumission expressed is, where the Lord makes a Deed to his Villain to enfranchise him by this word (*Manumittere*,) which is as much to say, as to let one goe out of another man's hands or power.

The manner of Manumitting or Enfranchising in old time most usually was thus : The Lord (in presence of his neighbours) took the Bondman by the Head, saying, I will that this man be free ; and therewith shobed him forward out of his hand, and by this he was free.

Manumission implied without this word (Manumittere) is, when the Lord makes an Obligation to his Villain to pay him money at a certain day, or sues him where he might enter without Suit, or grants him an Annuity, or leases Land to him by Deed for years, or less, and in divers like cases; the Villain thereby is made free.

Manumission implicita sans cest parol (Manumittere) est, quant le Sür fait un Obligation a son Villein a payer a luy money al ü certaine jour, ou luy sue lou il poit enter sans Suit, ou grant luy un Annuitie, ou lessa Terre a luy per Fait pur ans, ou vie, & en divers semblables cases; le Villein per ceo est fait franke.

Marchers.

MArchers are the Noblemen dwelling on the Marches of Wales or Scotland, who in times past had their private Laws, as if they had been Kings; and therefore in the Statutes of 2 H. 4. c. 28. 26 H. 8. cap. 6. 27 H. 8. cap. 26. and 1 E. 6. cap. 10. they are called Lords Marchers.

Marchers.

MArchers söt les Nobles hōes inhabitāts sur les Marches d'Gales & Escofe, q̄ é tēps devāt avoient leur private Lēyes, sicōme fuissēnt Roys; & pur c' en l' Statutes d' 2 H. 4. c. 28. 26 H. 8. c. 6. 27 H. 8. c. 26. & 1 E. 6. c. 10. ils söt appels *Seigniors Marchers*.

Marches.

MArchés are the Bounds and Limits betwixt us and Wales or Scotland, so called either from the German word (March,) which signifies a Frontire or Border; or else from the French word (Marq;) that is, a Sign or token of Distinction, these being the notozious Distinctions of two divers Countries. Of these you shall read in the Statutes of 4 H. 5. cap. 7. 22 E. 4. cap. 8. 24 H. 8. cap. 9. and others.

Marches.

MArchés sont les Limits entre nous & Gales ou Escofe, issint appels ou del parol *Germanois (March)*, que signifie Limitem; ou del parol *Francois (Marq;)*, cest ascavoir, un Signe del Distinction, ceux eunts le notorius Distinctions de deux divers Regions. De ceux poies lier en les Statutes de 4 Hen. 5. cap. 7. 22 E. 4. cap. 8. 24 H. 8. cap. 9. & autres.

Marshal.

Marshal est un general pour mults Officers en Angleterre: cōe l'Sir ou Count Marshal, de q̄l mētion est fait ē les Statutes d' 13 R. 2. c. 2. & 1 H. 4. c. 7, & 14. le Marshal del Hostel le Roy, de q̄ poies lier en F.N.B. f. 241. B. & en le Statute de Artic. sup. Chart. c. 3. 18 E. 3. c. 7. 2 H. 4. c. 23. 15 H. 6. c. 1. & auters. Sont auxy auters inferiour Marshals mentions ē nre Livres: come le Marshal de Banke le Roy, en le Statute 5 E. 3. c. 8. & en F.N.B. f. 251. I. q̄ avoit le custodie d's tous les prisoners de ceo Court; & le Marshal del Eschequer, mention en le Statute de 51 H. 3. Stat. 5. appel le Statute del Eschequer. *Marshal* est un parol Francois, & est tant a dire come *Magister equitum*: car semble q̄ venust del parol Germanois (*Marschalk*;) q̄ ad ceo signification.

Marshalsea.

Marshalsea est le Court ou Seat del Marshal del Hostel le Roy, de que poies lier a large en Coke, l. 6. f. 20. B. & l. 10. f. 68. B. Est auxy prise pur le Prison perreinant al Court del Bank le Roy, de que le Marshal de ceo Court est le Gardian: car issint sont les formes des

Marshal.

Marshal is a general word for many Officers in England: as the Lord or Earl Marshal, of whom mention is made in the Statutes of 13 R. 2. c. 2. and 1 H. 4. c. 7, & 14. the Marshal of the King's House, of whom you may reade F.N.B. f. 241. B. and in the Statute of Artic. sup. Chart. c. 3. 18 E. 3. c. 7. 2 H. 4. c. 23. 15 H. 6. c. 1. and others. There are also other inferiour Marshals mentioned in our Books: as the Marshal of the King's Bench in the Statute of 5 E. 3. c. 8. and F.N.B. f. 251. I. who hath the custody of all the prisoners of that Court; and the Marshal of the Exchequer, mentioned in the Statute of 51 H. 3. Stat. 5. called the Statute of the Exchequer. *Marshal* is a French word, and is as much to say as Master of the horse: for it seems to come of the German (*Marschalk*;) which hath that signification.

Marshalsea.

Marshalsea is the Court or Seat of the Marshal of the King's House, of which you may reade at large in Coke, l. 6. f. 20. B. & l. 10. f. 68. B. It is also taken for the Prison belonging to the Court of the King's Bench, of which the Marshal of that Court is the Keeper: for so are the forms of the Writs

Bills there, that A complains
of B in the custody of the Mar-
shal of the Marshalsea of our
Lord the King, &c.

Bills la, que A queritur de
B in custodia Marescal-
li Marescalciar Domini Re-
gis, &c.

Maugre.

Maugre is a word compound
of two French words (Mal)
and (Grec;) so that it is as much
as to say, with an unwilling
mind, or in despite of another.
And so it is used in Littleton,
lib. 672. where it is said, that
the husband and wife shall be
committed maugre the husband,
that is, in despite or against
the will of the husband.

Maugre.

Maugre est ū parol com-
pound des deux parols
Francois (Mal) & (Gree :)
issint q̄ est tant adire cōe in-
vito animo, ou en despite
d'un aũ. Et issint est use en
Littleton, sect. 672. lou est dit,
q̄ le Baron & Feme serront
remits maugre le Baron, c'est-
à-scavoir, en despite ou en-
conter le volunt le Baron.

Maximes.

Maximes are the Foundati-
ons of the Law, and the
Conclusions of Reason, and are
Causes efficient, and certain
universal Propositions so sure
and perfect, that they may not
be at any time impeached or
impugned, but ought always
to be observed, and holden as
strong Principles and Autho-
rities of themselves, although
they cannot be proved by force of
Argument or Demonstrations
Logical, but are known by In-
duction by the way of Sense
and Memory. For example,
it is a Maxime, that If a man
have issue two Sons by divers wo-
men, and the one purchases Lands
in fee, and dies without issue, the
other shall never be his Heir, &c.

And it is another Maxime,

Maximes.

Maximes sont les Foun-
dations del Ley, & les
Cōclusions d Reason, & sont
Causes efficient, & certeine
universal Propositions cy sure
& pfect, q̄ ils ne poient estř a
ascun temps impeach ou im-
pugne, mes doivent tous foits
estř observe, & tenus cōe fort
Principles & Authorities de
luy mesmes, nient obstant ils
ne poient estř pve p force d
Argument ou Demonstration
Logical, mes sont connus p In-
duction p le voy de Sense &
Memorie. Pur exemple, il est
ū Maxime, q̄ Si un hōe ad issne
deux Fils per divers venters,
& l'un purchase Terres en fee,
& morust sans issne, l'auter ne
naques serra son Heir, &c.

Item il est ū aũ Maxime,

G g 4

que

que *Terres discendera del Pere al Fils, mes nemy del Fils al Pere*, car ceo est un Ascension, &c. Et divers tielx semblables il y ad, dont veies le *Doctor & Student*.

that Lands shall descend from the Father to the Son, but not from the Son to the Father, for that is an Ascension, &c. And divers such there are, wherof see Doctor and Student.

Maynour.

Maynour est, quant un Laron ad emblee, & est p̄sue ove Hue & Crie, & prise, ayant ceo trove ovesq̄ luy q̄ il ad emblee, ceo est appelle *Maynour*. Et issint nous communement use p̄ dire, quant nous trovomus un fclant d'un illoyal act, que nous luy prist ovesq̄ le *maynour* ou manner.

Maynour.

Maynour is, when a Thief hath stolen, and is followed with Hue and Cry, and taken, having that found about him which he stole, that is called Maynour. And so we commonly use to say, when we find one doing of an unlawful act, that we took him with the maynour or manner.

Meane.

Mean. Veies *Mesne*.

Meane.

Mean. See *Mesne*.

Mease.

Mease (*Messuagium*) seble de vener del parol *Francois Maison* ou *Mansion*, q̄ nest aut fors q̄ ū Lieu del abider ou habitation. Et unq̄ *Messuage* ē n̄c Ley comprehend plus q̄ le verie Lieu del habitation: car *Domus* & *Messuagium* differ en ceo, q̄ *Domus* ne poit estre intend aut q̄ les choses en Building; mes *Messuagium* serra dit tout le Mansion-lien, & le Curtelage serra prise come parcel d'un Messuage, 20 H. 7. Keloway, f. 57. a. Et p̄ le nosme d'un *Messuage* le Garden &

Mease.

Mease or Messuage seems to come from the French word *Maison* or *Mansion*, which is no other but a Place of abiding or habitation. And yet Messuage in our Law contains more then the very Place of habitation: for a House and a Messuage differ, in that a House cannot be intended other then the matter of Building; but a Messuage shall be said all the Mansion-place, and the Curtelage shall be taken as parcel of the Messuage, 20 H. 7. Keloway, f. 57. a. And by the name of a Messuage the Garden and

Curtilage shall passe, Plowden, f. 171.a.

le **Curtilage** passera, Plowden, f. 171.a.

Measondue.

Measondue.

M easondue is an appellati-
on of divers Hospitals in
this Kingdom, which are so
named Anno 2 & 3 P. & M. c. 23.
& 15 Car. 2. c. 7. And it comes
of the French (*Maison de Dieu*),
and is no more but God's House
in English.

M easondue est ū appel-
lation done as divers
Hospitals en cest Realme, q̄
issint sōt appel *An. 2 & 3 P. & M. c. 23. & 15 Car. 2. c. 7.* Et
venust d̄ *Francois (Maison de Dieu)* & nest plus q̄ *Dom' Dei*
ou God's house en Anglois.

Medietas linguæ.

Medietas linguæ.

M edietas linguæ is an In-
quest impannelled upon
any cause, whereof the one half
is of Denizens, the other
Strangers; and it is used in
Pleas between parties, where-
of the one is a Denizen, and the
other a Stranger. And this
manner of Trial was first gi-
ven by the Statute of 27 E. 3.
Stat. 2. c. 8. And by the Statute
of 28 E. 3. c. 13. it was granted
in cases where the King himself
was party with an Alien.

M edietas linguæ est un
Inquest impannel sur
ascun cause, de q̄ l'un moie-
tie est des Denizens, l'auter
Aliens; & est use en Plees
enter parties, dont l'un est
un Denizen, & l'auter un
Alien. Et cest maner de
Trial fuit primes done per le
Stat. de 27 E. 3. Stat. 2. c. 8.
Et per le Statute de 28 E. 3.
c. 13. fuit graunt en cases lou
le Roy mesme fuit partie ove
un Alien.

Melius inquirendo.

Melius inquirendo.

M elius inquirendo is a Writ
directed to the Escheator
for a second Inquiry to be made,
when there is any doubt made
of partiality in an Inquiry
made upon a *Diem clausit extre-*
mum after the death of the
King's Tenant. See F. N. B.
f. 255. C.

M elius inquirendo est un
Bfe q̄ est direct al Es-
cheator p̄ ū second Inquisiti-
on destre fait, quant est asc'
suspicion del partialitie ē on
Inquisition fait sur un *Diem*
clausit extremum aps le mort
le Tenant le Roy. Veies
F. N. B. f. 255. C.

Merchenlage.

Merchenlage est un de ceux trois Leys hors des queux *Gulielme* le Conquerour frame nostre Common Ley, ove le mixture des Leys de *Normandie*. Et suit le Ley des *Mercians*, quant ils avoient le regimēt del tierce part de cest Realme.

Mesnaltie.

Mesnaltie est le droit de Mesne; cōe le *Mesnaltie* est extinct. *Veil N.B.f. 44.*

Mesne.

Mesne est, lōu l'Owner del T̄res ou Teneim̄s ceux teigne d'un p̄ certaine Services, & il ceux tenoit d'un autre p̄ autiels ou aut̄ Services; la cestuy q̄ tient les T̄res est appel *Tenant paravail*, & cestuy de que il teigne est appel *Mesne*; & cestuy de que le Mesne tenoit est appel *Seignior Paramount*. Et ē cest case, si le Seignior Paramount distraigne le Tenant par le Service le Mesne, q̄ luy doit acquite al Seignior Paramount, donques le Tenant, avera un B̄fe vers le Mesne, q̄ est appel *Brief de Mesne*; & si il ne acquit le Tenant donques le Mesne p̄dra le service le Tēn̄r, & serra forejudge d̄ son Seigniorie, & le Tenant serra

Merchenlage.

Merchenlage is one of those three Laws out of which William the Conquerour framed our Common Laws. with a mixture of the Laws of Normandy. And it was the Law of the Mercians, when they had the government of the third part of this Realm.

Mesnalty.

Mesnalty is the right of the Mesne; as the Mesnalty is extinct. Old Nat. Br. f. 44.

Mesne.

Mesne is, where the Owner of Lands or Tenements holds of one by certain Services, and he holds them of another by like or other Services; then he who holds the Lands is called Tenant paravail, and he of whom it is held is called Mesne, and he of whom the Mesne holds is called chief Lord or Lord Paramount. And in this case, if the Lord above distrains the Tenant for the Service of the Mesne, who ought to acquit him to the chief Lord, then the Tenant shall have a Writ of Mesne, so called, against the Mesne; and if he acquit not the Tenant, then the Mesne shall lose the service of the Tenant, and shall be forejudged of his Seigniorie, and the Tenant shall be

immediate Tenant to the chief Lord, and shall doe him the same service and suits as the Meſne did.

Tenant immediare al chiefe Seignior, & ferra luy meſmes les services & ſuits come le Meſne fiſt.

Messuage.

Messuage.

Messuage. See Meaſe.

Messuage. Veies Meaſe.

Miſe.

Miſe.

Miſe is a French word, and Magnifies as much as Expensum in Latine; and so it is ordinarily used in the Entries of Judgments in Personal Actions: when the Plaintiff recovers, the Entry is, that Recuperet damna ſua to ſuch a value, and pro miſis & cuſtagiis, for Coſts and Charges, ſo much. There is alſo another acception or ſignification of this word in the Law, where it is taken for the Iſſue to be tried by Battail or Grand Miſe. And ſo it is uſed in Littleton, ſect. 478, 482. and divers others, where joyn- ing of the Miſe upon the meer right is putting it in iſſue, who hath the beſt or cleareſt right.

Miſe eſt un parol Francoiſ, & ſignifie tant cōe Expensum en Latine; & iſſint eſt frequētmēt uſe en les Entries des Judgements ou Personal Actions: quāt le Plain- tiſe recover, l'Entry eſt, quod Recuperet damna ſua a tiel value, & tant pro miſis & cuſtagiis. La eſt auxy un autre acception ou ſignification de ceſt parol en le Ley, lou eſt priſe pur l'Iſſue deſtre trier per Battaille ou Grand Aſſiſe. Et iſſint eſt uſe en Littleton, ſect. 478, 482. & divers autres, lou joinder del Miſe ſur le mere droit eſt mettre ceo ē iſſue, q̄ avoit le melieur ou plus cleere droit.

Miſericordia.

Miſericordia.

Miſericordia is uſed in the Common Law for an Amerciament or Multa ſet upon any for an offence; as where the Plaintiff or Defendant in any Action are amerced, the Entry is alway, Ideo in miſericordia, &c. And it is therefore called Miſericordia, as Fitzh. ſays,

Miſericordia eſt uſe en le Common Ley pur un Amerciament ou Peine miſe ſur aſc' p̄ un offence; cōe lou le Plainſiſe ou Defendant en aſc' Action eſt amerced, l'Entry eſt tous foits, Ideo in miſericordia, &c. Et eſt p̄ c'appel Miſericordia, come Fitzh. dit N. B.

N. B. fol. 75. H. ce que doit
estz forsq petite & meins que
le offence, & salvo Contene-
mento, come le Statute de
Mag. Chart. cap. 14. ple. Et
pur ceo si homie soit outragi-
ousint amercie en un Court
que nest de Record, come en
Court-Baron, &c. la est un
Bre appel *Moderata Misericordia* destre direct al Sñr ou
Bailly, euz commandant q ils
prenderont moderates Amer-
ciements selonq le quantite
del trespass. Et de ceo veies
Fitz. N. B. fol. 75. A. & *Moderata Misericordia* apres.

Misnomer.

Misnomer ē le Mistake d'
un Nom, ou le using
de un Nom p un autre. Veies
Broke, tit. Misnomer.

Misprision.

Misprision est, qñt ascun
sciet q un autre ad fait
Treason ou Felonie, & il ne
voile luy discover al Roy, ou
son Councill, ou a asc' Magi-
strate, mes conceala son of-
fence. Divers auſs offences sōt
appelle *Misprision*: sicom un
Chaplein ad fixe un antient
Seal d'un Patent a un novel
Patent de Non-residence, ceo
fuit tenuſ destre *Misprision*
de Treason tantum, & nul
counterfeis del Seal del Roy.
Issint est tenuſ ē 37 H. 8. Bro.
tit. Treason 3. in fine: mes 2 H. 4.

N. B. fol. 75. H. for that it should
be but small and lesse then the
fault, and saving his Con-
tenement, as the Statute of
Mag. Charta, cap. 14. speaks.
And therefore if a man be out-
rageously amerced in a Court
not of Record, as in a Court-
Baron, &c. there is a writ
called *Moderata Misericordia* to
be directed to the Lord or his
Bailly, commanding them that
they take moderate Amercia-
ments according to the quan-
tity of the fault. And of that
see Fitzh. N. B. fol. 75. A. and *Moderata Misericordia* after.

Misnomer.

Misnomer is the Mistake of a
Name, or the using of one
Name for another. See *Broke,*
tit. *Misnomer.*

Misprision.

Misprision is, when one
knows that another hath
committed Treason or felony,
and will not discover him to
the King, or his Councill, or to
any Magistrate, but conceals
the same. Divers other offen-
ces are called *Misprision*: as
when a Chaplain had fixed an
old Seal of a Patent to a new
Patent of Non-residence, this
was held to be *Misprision* of
Treason onely, and no counter-
feiting of the King's Seal. So
it is holden in 37 H. 8. Bro. tit.
Treason 3. in fine: but 2 H. 4.
fol. 25.

fol. 25. A. it is adjudged contrary; and Stamf. Pl. cor. fol. 3. B. cites it for Treason; and so it is holden at this day.

Also if a man know Money to be counterfeit, and bring the same from out of Ireland hither, and utter it in payment, yet this is but Misprision of Treason, and no Treason: and so it is in divers like cases.

In all cases of Misprision of Treason, the party offendour shall forfeit his Goods for ever, and the profits of his Lands for his life, and his Body to prison at the King's pleasure.

And for Misprision of Felony or Trespass, the Offendour shall be committed to Prison, untill he have found Sureties or Pledges for his Fine, which shall be assessed by the discretion of the Justices before whom he was convicted.

And note, That in every Treason or Felony is included Misprision; and where any man hath committed Treason or felony, the King may cause him to be indicted and arraigned of Misprision onely, if he will. See more hereof Stamf. lib. 1. cap. 39.

Mittimus.

Mittimus is a Writ by which Records are transferred from one Court to another: sometimes immediately, as

fol. 25. A. est adjudge contra; & Stamf. Pl. cor. fol. 3. B. cite. ceo p Treason; & issint est tenu a cest jour.

Item si un autre sciet Money destre faux, & port ceo hors de Ireland en Engleterre, & utter ceo en payant, ceo est forsque Misprision de Treason, & nemy Treason: & issint est en divers semblable cases.

En tous cases de Misprision de Treason, le partie offendour forfeitera ses Biens a tous jours, & les profits de ses Terres pur son vie, & son Corps al prison al pleasure del Roy.

Et pur Misprision de Felonie ou Trespass, l' Offendor serra commit al Prison, tanque il ad trove Sureties ou Pledges p son Fine, que serra assesse per le discretion de les Justices devant q il suit convict.

Et nota, Que en chescun Treason ou Felonie est include Misprision; & lou asc' ad fait Treason ou Felonie, le Roy poit causer luy destre endicte & arraigne forsque de Misprision solement, si il voile. Vide plus d' ceo Stamf. lib. 1. cap. 39.

Mittimus.

Mittimus est un Bre per q Records sot transfer del un Court al autre: ascun foits immediatement, come appiert

appiere en le Stat. 5 R. 2. ca. 25. come hors del Banck le Roy en l'Eschequer; & asc' soit per un *Certiorari* en le Chancerie, & dillonques per un *Mittimus* en autre Court, come poies veier en 28 H. 8. Dyer, fol. 29. a. b. & 29 H. 8. Dyer, fol. 32. a. b.

Cest parol est auxy use pur le Precept que est direct p un Justice del Peace al Gaoler p le recevoir & safe-ment garder dun Felon, ou autre Offendor, commit per le dit Justice al Gaole.

Moderata Misericordia.

Moderata Misericordia est un Bfe q gist lou home est amercie en Court-Baron ou Countie plus q dever estre; donques il avera cest Brief direct al Viscount, si soit en le Countie, ou al Bailife, si soit en Court-Baron, eux commandant q ils ne luy amerciont mes eyent regard al quantite del Tres-passe: & s'ils ne obey cel Bfe, donques illera vers eux un *Sicut alias*, & *Causam nobis significes*, & apres ceo un *Attachment*.

Monstrans de Droit.

Monstrans de Droit est un Suit en le Chancery p le Subject destir restore as Tfs & Tenements queux il

it appears in the Statute of 5 R. 2. cap. 15. as out of the King's Bench into the Chancery; and sometimes by a *Certiorari* into the Chancery, and from thence by a *Mittimus* into another Court: as you may see in 28 H. 8. Dyer, fol. 29. a. b. & 29 H. 8. Dyer, fol. 32. a. b.

This word is also used in the Precept that is directed by a Justice of Peace to a Gaoler for the receiving and safe keeping of a felon, or other Offendor committed by the said Justice to the Gaol.

Moderata Misericordia.

Moderata Misericordia is a Writ that lies where a man is amerced in Court-Baron or County more then he ought to be; then he shall have this Writ directed to the Sheriff, if it be in the County, or to the Bailif, if it be in Court-Baron, commanding them that they amerce him not but with regard to the quantity of the Trespass: and if they obey not this Writ, then shall go forth against them a *Sicut alias*, and *Causam nobis significes*, and after that an *Attachment*.

Monstrans de Droit.

Monstrans de Droit is a Suit in Chancery for the Subject to be restored to Lands and Tenements which he

seems to be his Right, but are by Office found to be in the possession of another that is truly dead, by which Office nothing is intitled to a Chatel, Freehold, or Inheritance in the said Lands. And this Monstrans de Droit is given by the Statutes of 34 E. 3. cap. 14. and 36 E. 3. cap. 13. See Coke, lib. 4. fol. 54. B. in the Case of the Wardens and Commonalty of Sadlers.

Shewing of Deeds or Records.

Shewing of Deeds or Records is thus: In Action of Debt is brought against A upon an Obligation by B, or by Executors, &c. After the Plaintiff hath declared, he ought to shew his Obligation, and the Executor the Testament, in the Court. And so it is of Records.

And the diversity between Shewing of Deeds or Records and Hearing of Deeds or Records, is this: He that pleads the Dæd or Record, or declares upon it, ought to shew the same; and the other against whom such Dæd or Record is pleaded or declared, and is thereby to be charged, may demand hearing of the same Dæd or Record, which his adversary brings or pleads against him.

monstre dests son Droit, mes sont p Office troves destre en le possession dun q darreinement morust, p quel Office le Roy est entitle al un Charrel, Franktenement, ou Inheritance en les dires Terres. Et cest Monstrance de Droit est don p les Statutes d 34 E. 3. cap. 14. & 36 E. 3. cap. 13. Veies Coke, lib. 4. fol. 54. B. en le Case del Wardens & Communalte des Sadlers.

Monstrans de Faits on Records.

Monstrans de Faits on Records est sicome, par example, un Actiō d Det soit port envers A sur un Obligation p B, ou p Executors, &c. Apres le Plaintiff ad declare, il doit monstre son Obligation, & le Executor le Testament, al Court. Et issint est de Records.

Et le diversite perenter Monstrance de Faits ou Records, & Oyer de Faits ou Records, est issint: Il q pleade le Fait ou Record, ou declare sur ceo, doit monstre ceo; & l'auter vers q tiel Fait ou Record est pleade ou declare, & est per ceo destre charge, poit demand oyer de ceo Fait ou Record, que son adversarie port ou plead vers luy.

Monstrance-

*Monstraverunt.**Monstraverunt.*

Monstraverunt est ū Bře q̄ gift pur l' Tenants en Ancient demesne, & est direct al Seignior, luy commandant q̄ il ne distraine son Tenant pur faire aut Service que il doit : & ils poiēt aver cest Bře direct al Vic, q̄ il ne suffer le Seignior a distraine les dits Tenant pur faire auter Service.

Si les Tenants ne poiēt estre en quiet, ils poiēt aver un *Attachment* vers le Sñr, de appearer devant les Justices ; & tous les noms des Tenants seront mise en le Brief, coment q̄ forsque un de eux soit grievé.

Auxy si ascun Terre en Ancient demesne soit en variance enter les Tenants, donques le Tenant isint grievé avera vers auter Brief quod vocatur *Droit close*, *secundum Consuetudinem Manerii* ; & ceo ferra tous foirs port en le Court le Seignior, & sur ceo il countera en le nature de quel Brief il voit, come son case gift : & cest Brief ne ferra remove, si non p̄ grand cause, ou non-power de le Court.

Auxy si le Sñr en aut lieu hors de Ancient demesne distraine son Tenant de faire auter Service que il doit, il avera Brief de Droit, appelle *Nē injustē vexes* ; & cest

Monstraverunt is a Writ that lies for the Tenants in Ancient demesne, and is directed to the Lord, him commanding not to distrain his Tenant to doe other Service then he ought : and they may have this Writ directed to the Sherif, that he suffer not the Lord to distrain the said Tenant to doe other Service.

If the Tenants cannot be in quiet, they may have an Attachment against the Lord, to appear before the Justices ; and all the names of the Tenants shall be put in the Writ, though but one of them be grieved.

Also if any Land in Ancient demesne be in variance between the Tenants, then the Tenant so grieved shall have against the other a Writ which is called of Right close, after the Custome of the Mannor ; and that shall be alway brought in the Lord's Court, and thereupon he shall declare in the nature of what Writ he will, as his case lies : and this Writ shall not be removed, but for a great cause, or non-power of the Court.

Also if the Lord in another place out of Ancient demesne distrain his Tenant to doe other Service then he ought, he shall have a Writ of Right, called *Nē injustē vexes* ; and it is a Writ

a writ of Right Patent, which
shall be tried by Battell or
Grand Assise.

un Brief de Droit Patent,
que serra trié per Battel ou
Grand Assise.

Mortdancer.

Mortdancer.

Mortdancer. See before in
the Title Cosnage.

Mortdancer. Vide de-
vār ē e Title Cosnage.

Mortgage or Morgage.

Mortgage ou Morgage.

Mortgage or Morgage is,
when a man makes a
feoffment to another on such
condition, that if the feoffor
pay the feoffee at a certain
day 40 li. of money, then the
feoffor may re-enter, &c. In
this case the feoffee is called
Tenant in Morgage. And as
a man may make a feoffment
in fee in Morgage, so he may
make a Gift in tail, or a Lease
for life or years in Morgage.
And it seems the cause why it
is called Morgage is, for that it
stands in doubt whether the
feoffor will pay the money
at the day appointed or not;
and if he fail, then the Land
which he laid in gage upon con-
dition of payment of the mo-
ney is gone from him forever,
and so dead to him upon con-
dition: but if he pay the money,
then is the gage dead as to the
Tenant, that is, the feoffee.
And for this cause it is called
in Latine Mortuum vadum, as
Littleton saith; or rather Mor-
tuum vas, as I think.

Also if a feoffment be made
in Morgage upon condition, that

Mortgage ou Morgage est,
quāt un fait un Feoff-
ment a un auf sur tiel condi-
tion, que si le Feoffor paya
al Feoffee a certain jour 40 l.
d'argent, que adonc le Feof-
for poit re-enter, &c. En
ceo case le Feoffee est appel
Teñt en Morgage. Et sicome
un hōe poit faire Feoffment
en fee en Morgage, issint il
poit faire Don en taile, ou
Lease p vie ou p ans en Mor-
gage. Et il semble que la
cause p q il est appel Mor-
gage est, pur ceo que il estoit
en aurst si le Feoffor voile
payer al jour limiē l'argent
ou non; & si il ne paya pas;
donc le Terre que il mist en
gage sur cōditiō d'paymēt d le
money est ale de luy a tous
jours, & issint mort a luy sur
cōditiō: mes si il paya le mo-
ney, donques est le gage mort
quāt a le Tenāt, cest a savoir,
le Feoffee. Et p cest cause il
est appel en Latin Mortuum
vadum; come Littleton dit;
ou Mortuū vas, cōe jeo pēse.

Auxy si Feoffmēt soit fait en
Morgage sur condition, que

ff h

ff h

si le Feoffor paya tiel somme a tiel jour, &c. & le Feoffor morust devant le jour, uncof si le Heire le Feoffor paya le somme a meisme le jour al Feoffee, & le Feoffee ceo refusa, le Heire le Feoffee poit enter. Mes en tiel case, si ne soit ascun jour de payment expresse, donques tiel Tender del Heire est voide, pur ceo que quant le Feoffor morust, le temps del Tender est passe; autrement les Heires le Feoffor averont temps del Tend a tous jours, que serra inconvenient, q un avera un Fee-simple a luy & ses Heirs defeasible tous foits a le pleasure & volunt d auters. Mes en le primer case l' tēps del Tender ne fuit expire p la Mort le Feoffor.

if the Feoffor pay such a sum at such a day, &c. and the Feoffor dies befoze the day, yet if the Heir of the Feoffor pay the sum at the same day to the Feoffee, and the Feoffee refuses it, the Heir of the Feoffor may enter. But in such case, if there be no day of payment expressed, then such Tender of the Heir is void, because when the Feoffor dies, the time of Tender is past; otherwise the Heirs of the Feoffor shall have time of Tender for ever, which would be inconvenient, that one shall have a fee-simple to him and his Heirs defeasible always at the pleasure and will of others. But in the first case the time of Tender was not expired by the death of the Feoffor.

Mortmaine.

Mortmaine: lou Terres sont dones a Meason d Religio ou a un aut Cōpanie q sont corporate p le Grant le Roy, cest Tfe est devenus e Mortmaine, cest adire en Anglois, a dead hand; & donq le Roy ou le Sñr de q le Tfe est tenu poit entre, come appiert per le Statute de Religiosis. Auxy cy un fait Feoffment sur confidence a certain persons al oeps de un Meason de Religion, ou al oeps de ascun Gild ou Fraternity corporate, il serra dit Mortmain, & il encourage mesm le

Mortmain.

Mortmain: where Lands are given to a House of Religion, or to other Company incorporate by the King's Grant, the Land is come into Mortmain, that is in English, a dead hand; and then the King or the Lord of whom the Land is holden may enter, as appears by the Statute de Religiosis. And if one make a feoffment upon trust to certain persons to the use of a House of Religion, or to the use of any Guild or Fraternity corporate, it shall be said Mortmain, and he shall incur the same penalty,

penalty, as appears by the Statute An. 15 R. 2.

pain, ut patet per l' Statute Anno 15 R. 2.

Mortuary.

Mortuary.

Mortuary is that Beast or Mother Chattel moveable, which, after the death of the owner, by the Customs of some places, became due to the Parson, Vicar, or Priest of the Parish, in lieu of satisfaction of Tithes or Offerings for him that is dead. See now the Statute of 21 H. 8. cap. 6. which limits the course and order of the payment of these Mortuaries, or of money for them.

Mortuary (*Mortuarium*) est ceo Aver ou auter Chateell moveable, que, apres le mort del owner, per l' Customs des ascuns lieux, accrue al Parson, Vicar, ou Priest del Paroche, en lieu ou satisfactiō des Dismes ou Oblations oblites ou nient duement payes per cestuy que est mort. Veies ore l' Statute d' 21 H. 8. cap. 6. que limit le course & order del payment de ceux Mortuaries, ou de deniers pur eux.

Mulier.

Mulier.

Mulier is a word used in our Law, but how aptly I cannot say: for, according to the proper signification, Mulier is a defiled Woman, as it is used in Ulpianus thus; *Si ego me Virginem emere putarem, cum esset Mulier, emptio non valebat.* Whereby you may see, Mulier is a Woman that hath had the company of a man. But to have the right signification, Mulier is taken in our Law for one that is lawfully begotten and born; and is always contradistinguished with Bastard, only to shew a difference between them; as thus: A man hath a Son of a Woman before Marriage; that is

Mulier est un pol use en nre Ley, mes cōe aprint jeo nepoy dire: car, accordāt al pp signifiatiō, *Mulier est Fœmina corrupta*, sicome il est use p *Ulpianus* en tiel mañ; *Si ego me Virginē emere putarē, cum esset Mulier, emptio non valebit.* Per c' poyes veier, que *Mulier* est un Feme q ad ew le cōpanie d' un hōe. Mes a relinquiſher l' droit significat', *Mulier* est prise en nostre Ley pur un que est loyamment engender & nee; & est tous foits cōtradistinguished ovesq ū *Bastard*, solemt pur mōstre ū differēce penē eux; cōe p example: Un hōe ad ū Fitz p un Feme devant Marriage; cest issue est

un Bastard, & illoyal: & apres il marrie ove le Mere del Bastard, & ont ü auter Fitz; cest secöd Fitz est appelle *Mulier*, cest adire, loyal, & serra Heire a son pere; mes le auter ne poit estre Heire al aucun home, pur ceo que il nest conus ne certaine en le judgement del Ley que fuit son Pere, & pur cest cause est dit destre *nullius filius*, ou *filius populi*, & issint sans Pere, accordant al cestuy veil vers-

Cui Pater est Populus, Pater est sibi nullus & omnis:

Cui Pater est Populus, non habet ipse Patrem.

Et tous foits vous troves cest addition al eux [Bastard eigne, & *Mulier* puisne] quant ils sont compare ensemble.

Muniments.

Muniments (*Munimenta*) sont Evidences ou Escripts touchants le Possessio ou Inheritance dascun home, per queux il est able pur defendre l'Estate que il ad. Et ils sont issint appels del *Latin* parol *Munio*, que signifie s defender ou fortifier. Et 35 H. 6. f. 37. b. *Wangford* dit, q cest parol *Muniment* include tous manners des Evidences, viz. Charters, Releases, & auters.

a Bastard, and unlawfull: and after he marries the Mother of the Bastard, and they have another Son; this second Son is called *Mulier*, that is to say, lawfull, and shall be Heir to his father; but the other cannot be Heir to any man, because it is not known nor certain in the judgement of the Law who was his father, and for that cause is said to be no man's son, or the son of the people, and so without father, according to these old verses;

To whom the People Father is, to him is Father none and all:

To whom the People father is, well fatherless we may him call.

And always you shall finde this addition to them, [Bastard eldest, and *Mulier* youngest] when they are compared together.

Muniments.

Muniments are Evidences or Writings concerning a man's Possession or Inheritance, whereby he is able to defend the Estate which he hath. And they are so called from the *Latin* word *Munio*, which signifies to defend or fortifie. And 35 H. 6. fo. 37. b. *Wangford* says, that this word *Muniment* includes all manner of Evidences, viz. Charters, Releases, and others.

Murage.

Murage is a Toll or Tribute, levied for the Repairing or building of publick Walls. See Fitzh. Nat. B. fol. 117. D. and the Statute of 3 E. 1. cap. 30.

Murder.

Murder is a wilfull killing a man upon malice forethought, and seems to come of the Saxon word Mordren, which so signifies. And Mordridus is the Murderer even until this day among them in Saxony, from whence we have most of our words, as hath been often said. Or it may be derived of Mort and dire, as Mors dira. See Stamf. Pleas of the Crown, lib. 1.

Muster.

Muster comes of the French word Monstrer that is, to shew; for to muster is nothing but to shew men and their Arms, and to enroll them in a Book, as appears by the Statute of 18 H. 6. cap. 19.

Murage.

Murage (*Muragium*) est un Tolle ou Tribute levie par l' Repaireur ou edifier des publique Murs. Veies Fitz. N. B. fo. 227. D. & l' Stat. 3 E. 1. cap. 30.

Murder.

Murder est un voluntarie Occider d'un hōe sur malice ppenſe, & semble de venir de le Saxon parol Mordren, q̄ issint signifie. Et Mordridus ē l' Murderer ranque al cest jour enē eux in Saxony, d̄ q̄ nous avomus mults d̄ nostre parolx, come ad estre souvent dit. Ou poit estre derive d̄ Mort & dire, quasi Mors dira. Veies Stamf. Pleas del Coron. lib. 1.

Muster.

Muster venust del parol Francois Monstrer, id est Monstrare; car de muster nest riens forsque de monstre hōes & leur Armes, & d'eux enrollier en un Livre, come appierr p l' Stat. de 18 H. 6. c. 19.

N

N

*Naam.**Naam.*

N *Aam* est le Pursuer ou Apprehension des biens moveables d'ū autr hōe: & il est ou loyāl, ou illoyal. *Naam* loyāl est, un reasonable Distresse accordant al value del chose pur que Distresse est fait. Veies plus de ceo en *Horne's Mirrour de Justices*, lib. 2.

N *Aam* is the Attaching or Taking of the moveable goods of another man: and is either lawfull, or unlawful. Lawfull *Naam* is, a reasonable Distress according to the value of the thing for which the Distress is made. See more of this in *Horn's Mirrour of Justices*, lib. 2.

*Nativo habendo.**Nativo habendo.*

N *Ativo habendo* est ū Bfe q̄ gist lou le Villeine ou Niese d' un Seignior est ale d' luy; donques le Seignior avera cest Brief direct al Vic', que il face le Sñr aver son Villeine ou Niese, oveſq̄ tous ses chateux.

En cest Brief plusors Villeins ou Nieses ne purront estī demandes que deux; mes cy tant des Villeins ou Nieses q̄ voient joyntrēt poiet porter Bfe de *Libertate probanda*.

Et si un Niese port Brief de *Libertate probanda* avant que le Seignior port cest Brief, donques le Villein Plain' ou Niese serra en peace jesque al venue des Justices, ou autrement son Brief ne luy aidera.

Auxy si un Villein ad demar en Anrient demesne per un an & jour sans claime

N *Ativo habendo* is a writ that lies where the Willain or Nief of the Lord is gone from him; then the Lord shall have this writ directed to the Sherif, to cause the Lord to have his Willain or Nief, with all his goods.

In this writ more Willains or Niefs may not be demanded then two; but as many Willains or Niefs as will may jointly bring a writ de *Libertate probanda*.

And if a Willain or Nief bring his writ de *Libertate probanda* before the Lord bring this writ, then the Willain Plain-tiff shall be in peace till the coming of the Justices, or else his writ shall not help him.

Also if a Willain have tarried in an Ancient demesne one year and a day without claim of

of the Lord, then he cannot
seise him in the said Fran-
chise.

del Seignieur, donques il ne
poit luy seiser deins le dit
Franchise.

Naturalization.

Naturalization.

Naturalization. *De Deni-*
zen,

Naturalization. *Veies De-*
nizen.

Ne admittas.

Ne admittas.

NE admittas is a Writ di-
rected to the Bishop at the
Suit of one who is Patron of
any Church, and he doubts
that the Bishop will collate one
his Clerk, or admit another
Clerk presented by another
man to the same Benefice: then
he that doubts it shall have this
Writ, to forbid the Bishop
to collate or admit any to that
Church.

NE admittas est un Brief
direct al Evesque al Suit
de un q est Patron de alcun
Esglise, & il doubra que l' E-
vesque voit collate un son
Clerk, ou admit un autre
Clerk p sent p autre home al
dit Benefice: donques il q c'
doubra avera cest Brief, de
inhibiter le Viscount de col-
later ou admitter alcun a son
Esglise.

Negative pregnant.

Negativa pregnans.

Negative pregnant is, when
an Action, Information,
or such like, is brought against
one, and the Defendant pleads
in Bar of the Action or other-
wise a Negative Plea, which
is not so special an answer to
the Action, but that it includes
also an Affirmative. As for
example; If a Writ of Entry
en casu proviso be brought by him
in the Reversion upon Alien-
ation by the Tenant for life,
supposing that he hath aliened
in fee, (which is a Forfeit-
ure of his Estate) and the
Tenant to the Writ saith, he

Negativa pregnans est,
quant un Action, Infor-
mation, ou tiel seblable Suite,
est port envers u, & le Defen-
dant plead en Barre del Actio
ou autrement un Negative
Plee, que nest cy speciall aun-
swer al Action, mes que il en-
clude auxy un Affirmative.
Come p exemple; Si un Bfe
de Entre en casu proviso soit
port per cestuy en le Reversio
sur Alienation per le Tenant
pur vie, supposant que il ad
alien en Fee, (que est un For-
feiture de son Estate) & le
Tenant al Brief dit que il

nad alien en Fee ; cest un *Negative*, en que est include un *Affirmative* : car nient obstant il soit veray q il nad alien en Fee, uncore il poit estre q il ad fait un Estate en taile, (le ql est auxy un Forfeiture) & donques l' Entry de celuy en l' Reversion est loyal, &c.

Item en un *Quare impedit*, l' Roy fist Title de presenter a un Prebend, ratione que les Temporalities de l' Evesquerie fueront en sa mains p le mort d' W, nuper Episcopum, &c. Le Defendant dit que ne voida pas, esteants les Temporalities e les maines del Roy p le mort de W. Cest un *Negative pregnant* ; car il poit estre en les maines del Roy auterment que per le mort de W, & il suffist al Roy si soit en sa maines, &c.

Ilint est lou un Information fuit port in Scaccario vers JS, pur ceo que il achare lanes per eter Shering=temps & Assumption tali anno de JN. Le Defendant dit quod non emit de JN, come il est alleadge, &c. Ceo est appelle un *Negative pregnant* ; car sil ceo achare de auter, uncore il est culpable pur achater.

Neif, ou Nief.

Nief est un Feme que est bode, ou u Villein Feme : mes si el marrie un Franklome, el est p ceo fait frank,

hath not aliened in Fee ; this is a *Negative*, wherein is included an *Affirmative* : for though it be true that he hath not aliened in Fee, yet it may be he hath made an Estate in tail, (which is also a Forfeiture) and then the Entrie of him in the Reversion is lawfull, &c.

Also in a *Quare impedit*, the King makes Title to present to a Prebend, for that the Temporalities of the Bishoprick were in his hands by the death of W, late Bishop, &c. The Defendant saith that it was not void, the Temporalities being in the King's hands by the death of W. This is a *Negative pregnant* ; for it may be in the King's hands otherwise then by the death of W, and it suffices the King if it be in his hands by any means, &c.

So is it where an Information was brought in the Exchequer against JS, for that he bought clooll of JN between Shering= time and the Assumption such a year. The Defendant saith he did not buy any of JN, as it is alleged, &c. This is called a *Negative pregnant* ; for if he bought it of any other, yet he is culpable for the buying.

Neif, or Nief.

Nief is a woman that is bound, or a Villain woman : but if she marry a freeman, she is thereby made free, because

because she and her Husband are but one person in Law, and she ought to be of the same nature and condition in Law to all intents as her Husband is; but her Husband is free to all intents without any condition in Law, or otherwise; and so by consequence the Wife ought to be, and is free according to the nature of her free Husband. And then if she were once free, and clearly discharged of Bondage to all intents, she cannot be Nise after without especial allowance by her, as Divorce, or Confession in Court of Record, and that is in favour of Liberty. And therefore a free woman shall not be Bound by taking of a Willain to her Husband; but their Issue shall be Willains as their Father was: which is contrary to the Civil Law, for there it is said, The Birth follows the Belly.

Bondage or Willainage had beginning amongst the Hebrews, and its original of Chanaan the son of Cham, who, because he had mocked his father Noe to scorn, lying dissolutely when he was drunk, was punished in his son Chanaan with penalty of Bondage.

Ne injuste vexes.

NE injuste vexes. Look in the Title Monstraverunt.

pur ceo que el & sa Baron sont forsque un person e Ley, & el covient estre de mesme le nature & condition en Ley a tous entents cōe sa Baron; mes sa Baron est frank a tous entents sans aucun condition en Ley, ou auterment; & issint per consequens le Feme covient estre, & est frank accordant al nature son frank Baron. Et donques si el soit un foits franke & cleerement discharge de Villenage a tous entents, el ne poit estre Nise après sans especial allowance par luy, come Divorce, ou Confession en Court de Record, & c' est en favour de Libertie. Et p' ceo un Franke feme ne serra Villeine p' prisel del Villeine a sa Baron; mes leur Issue serra Villeines cōe leur Pere fuit: que est contrary a le Ley Civile, car la est dit, Partus sequitur Ventrem.

Bondage ou Villeinage ad son comencement enter les Hebrews, & son original de Chanaan le fils de Cham, q' p' ceo que il avoit derise son pere Noe, gisant dissolument quant il fuit ebrie, fuit punie en son fils Chanaan ovesque penaltie d' Bondage.

Ne injuste vexes.

NE injuste vexes. Vide Titulo Monstraverunt.

Next

Next Friend.

NExt Friend. Vcies Prochein Amy.

Nihil dicit.

Nihil dicit est, quant un Action est port envers un home, & le Defendand appareé, & le Plaintife declare, & le Defendand ne voile responder, ou pleade al Action, & ne maintaine son Pler, mes fait Default; ore sur cest Default il setra condemne, quia Nihil dicit.

Nisi prius.

Nisi prius est un Bfe judicial, & gist quant l' Enquest est impanell' & retourne devant les Justices en Banke; donq's le Plaintife ou Defendand poit aver cest Bfe direct al Vise', luy commandant q'il face vener la Enquest devant les Justices en m le Countie a lour vener, & ceo p' easement de l' Enquest.

Nomination.

Nominatio est, lou ū poit, en droit de son Mannor ou auterment, nominate & appoint ū able Clerk ou hōe al un Parsonage, Vicarage, ou tiel Spiritual p'motion. Et nota que cest *Nomination*

Next Friend.

NExt Friend. De Prochein Amy.

Nihil dicit.

Nihil dicit is, when an Action is brought against a man, and the Defendand appears, the Plaintiff declares, and the Defendand will not answer, or pleads to the Action, and doth not maintain his Plea, but makes Default; now upon this Default he shall be condemned, because he saith nothing.

Nisi prius.

Nisi prius is a writ judicial, and lies where an Enquest is empanelled and returned before the Justices in the Bench; then the Plaintiff or Defendand may have this writ directed to the Sheriff, commanding him to cause the Enquest to come before the Justices in the same County at their coming, and that for the ease of the Enquest.

Nomination.

Nomination is, where one may, in right of his Manor or otherwise, nominate and appoint a worthy Clerk or man to a Parsonage, Vicarage, or such like Spiritual promotion. And note that this *Nomination* ought

ought to be to another then the Ordinarie, which other shall present him to the Ordinarie.

doit estre al auter que l'Ordinarie, que autel luy presentet al Ordinarie.

Non-ability.

Non-ability is, where an Action is brought against one, and the Defendant says, that the Plaintiff is disable to sue an Action, and demands Judgment if he shall be answered. There are six causes of Non-ability in the Plaintiff: as if he be an Outlaw, or an Alien born, (but that Disability is in Actions real and mixt onely, and not in Actions personal, except he be an Alien enemy) or condemned in Praemunire, or professed into an Abby, Priory, or friary, or Excommunicate, or a Villain, and sues his Lord. But this last is no Plea for another that is not Lord to the Villain. See more hereof Litt. l. x. c. 11.

Non-abilite.

Non-abilite est, lou un Action est port vers un, & le Defendant dit, que le Plaintiff est non able de suer asc' Action, & demand Judgment sil serra responde. Il y ad 6 causes de Non-abilite en le Plaintiff: cōe sil soit Outlaw, ou Alien nee, (mes cest Disability est en Actions reals & mixt solement, & non en Actions personnels, si non que il soit un Alien ennemie) ou condemné en Praemunire, ou pfeſſé en un Abbie, Priorie, ou Frierie, ou Excommenſe, ou un Villeine, & sue son Seignior. Mes cest darreine nest Plec pur auter que nest Seignior al Villeine. Vide de ceo Litt. l. x. c. 11.

Nonage.

Nonage is all that time of a man's age under xj. years in some cases, and xiv. in others, as Marriage. See Broke, Tit. Age.

Non-age.

Non-age est tout les tēps de l'age del home deſous xj. ans en ascun cases, & xiv. en auf, cōe Marriage. Veies Broke, Tit. Age.

Non-claim.

Non-claim is the Omission or neglect of him that ought to challenge his Right within a time limited, by which neglect he is either barred of his

Non-claime.

Non-claime est l'Omission ou neglect de cestuy q doit challenger son Droit deins ū temps limite, p quel neglect il est ou barre de son Droit,

Droit, come a cest jour sur
Non-claim deins cinque ans
 apres un Fine & droit a luy
 accrue, per le Statute d' 4 H.
 7. c. 24. ou de son Entrie per
 un discent pur default del
 Claim deins cinque ans aps
 le Discein fait, p le Statute
 de 32 H. 8. c. 33.

*Ne omittas propter
 libertatem.*

Non omittas propter lib-
 ertatem est un Brief q
 gist lou le Viscount retorne
 sur Brief a luy direct, que
 il ad maund al Bailife de fiel
 Franchise que aver Retorne
 des Briefs, & il nad s'ervie
 le Brief; donques le Plain-
 tife avera cest Brief direct
 al Viscount, que il luy
 mesme enter en le Fran-
 chise, & execute le Brief
 le Roy.

Auxy le Viscount garne-
 ra le Bailife, que il soit de-
 vant les Justices al jour con-
 tenus en le Brief; & sil
 ne vient & luy acquite, don-
 ques tous les Briefs judi-
 cial que passeront hors del
 Court le Roy durant mesme
 le Plee serront Briefs *De non
 omittas, &c.* & le Viscount
 ferra execution d'eux pen-
 dant cel Plee.

Non-suit.

Non-suit est le Renoun-
 cer del Suit per le

Right, as at this day upon
 Non-claim within five years af-
 ter a Fine and right to him ac-
 crued, by the Statute of 4 H.
 7. c. 24. or of his Entry by a
 discent for want of Claim
 within five years after the Dis-
 cein made, by the Statute of
 32 H. 8. c. 33.

*Non omittas propter
 libertatem.*

Non omittas propter libertatem
 is a writ that lies where
 the Sheriff returns upon a
 writ to him directed, that he
 hath sent to the Bailiff of such
 a Franchise which hath Re-
 turn of writs, and he hath not
 served the writ; then the
 Plaintiff shall have this writ
 directed to the Sheriff, that he
 himself enter into the fran-
 chise, and execute the King's
 writ.

Also the Sheriff shall warn
 the Bailiff, that he be before
 the Justices at the day con-
 tained in the writ; and if he
 come not and excuse himself
 then all the writs judicial
 which shall passe out of the
 King's Court during the same
 Plea shall be writs *De non omittas, &c.* and the Sheriff shall
 make execution of them depend-
 ing that Plea.

Non-suit.

Non-suit is the Renoun-
 cing of a Suit by the Plain-

Plaintiff or **Demandant**, when the matter is in probability to proceed, after the **Tenant** or **Defendant** hath appeared, &c. And see the Statute of 2 H. 4. c. 7. in what cases a man cannot be non-suit; and 23 H. 8. c. 15. and 8 Eliz. c. 2. and 4 Jac. c. 3. where he that is non-suit shall pay Costs to the Defendant.

Plaintife ou **Demandant**, quant le matter est eⁿ p^{ro}babilite p^{ro}ceed, apres le **Tenant** ou **Defendant** ad appeare, &c. Et vide le Statute 2 H. 4. c. 7. en queux cases home ne p^oit estre non-suit; & 23 H. 8. c. 15. & 8 Eliz. c. 2. & 4 Jac. c. 3. lou cestuy q^{ui} est non-suit payera Costs al Defendant.

Non sum informatus.

Non sum informatus is a formal Answer made by an Attorney, who is commanded by the Court to say something in Defence of his Client, by which he is deemed to leave his Client undefended, and so Judgment passes for the other party.

Non sum informatus.

Non sum informatus est un formal Response fait per un Attorney, q^{ui} est command per le Court dire ascun chose en Defence d^e son Client, per quel il est adjudge lacher son Client sans Defence, & issint Judgment passe pur l'auter partie.

Bare or Naked Contract.

Bare Contract, or **Naked Promise**, is, where a man bargain or sells his Lands or Goods, or promises to give one money, or a horse, or to build a house, or doe such a thing at such a day, and there is no recompence appointed to him for the doing thereof; as if one say to another, I sell or give to you all my Lands or Goods, and there is nothing appointed, assigned, or agreed upon what the other shall give or pay for it, so that there is not one thing for another: this is a Naked Contract, and void in Law, and for not performance thereof no

Nude Contract.

Nude Contract, ou **Nude Promise**, est, lou ū hōe bargain ou vende ses T^{er}res ou Biens, ou p^{ro}mise pur don al auter monie, ou un cheval, ou a edifier un meason, ou faire tiel chose a tiel jour, & la est nul recompence appoint a luy p^{ro} le faire de ceo; come si un dit al auter, J^eo vende ou done a vous tous mes T^{er}res ou Biens, & la est nul chose appoint, assigne, ou agreee que l' auter donera ou payera pur ceo, issint que il nad quid p^{ro} quo: cest ū *Nude Contract*, & void en Ley, & p^{ro} non-performance de ceo nul Action

Adion gist, car, Ex nudo Pa-
cto non oritur Actio.

Action lies for, Ex nudo Pacto non
oritur Actio.

Nuper obiit.

Nuper obiit.

N*uper obiit* est un Brief, & gist lou un ad plusors Heirs, cestascavoir, plusors Fils, ou plusors Firs, sil soit en Gavelkind en Kent, & devie seisie, & un Heire entra e roux la Terre; donques les auters que sont tenus dehors averont cest Brief vers le Coheire q est deins. Mes Brief de *Rationabili parte* gist en tiel case ou l'Ancestor fuit un foirs seisie, & ne morust seisie de Possession, mes del Reversion.

N*uper obiit* is a Writ, and it lies where one hath many Heirs, that is, many Daughters, or many Sons, if it be in Gavelkind in Kent, and dies seised, and one Heir enters into all the Land; then the others whom he holds out shall have this writ against the Coheir that is in. But a writ of *Rationabili parte* lies in such case where the Ancestor was once seised, and died not seised of the Possession, but in Reversion.

Nusans.

Nusance.

N*usans* est, lou asc' home levie ascun Mute, ou estoppe ascun Ewe, ou fait ascun chose sur son Tres demesne al annoyance son prochain; cestuy q est grievé avera un Bre appel *Affise de Nusans*: Auxy si il q fist le Nusans alien le Terre a un aurer, donques cest Brief serraport envers ambideux, come appiert per le Statute de Westm. 2. c. 24.

N*usance* is, where any man raises any Wall, or stops any Water, or doth any thing upon his own Ground to the unlawful hurt or annoyance of his neighbour; he that is grievé may have thereof an Affise of Nusance: And if he that makes the Nusance aliens the Land to another, then this writ shall be brought against them both, as it appears by the Statute of Westm. 2. c. 24.

Oblations.

Oblations are what things soever are offered to God and his Church by pious and faithful Christians.

Odio & Atia.

Odio & Atia is an old writ mentioned in the Statute of Westm. 1. made in 3 E. 1. cap. 11. and it was directed to the Sherif, to inquire whether a man committed to prison upon Suspicion of Murder were committed upon just cause of Suspicion, or for Malice onely. And if upon an inquisition it were found that he were not guilty, then there came another writ to the Sherif to bail him. But now that course is taken away by the Stat. of 28 E. 3. cap. 9. as it appears in Stamford's Pl. of the Crown, fol. 77. G. And in Coke, lib. 9. fol. 56. a. b.

Ordæl.

Ordæl is as much to say as Not guilty, and was an ancient manner of Triall in Criminall causes: for when the Defendant, being arraigned, pleaded Not guilty, he might chuse whether he would put himself upon God and the Countrey, which is upon the

Oblations.

Oblationes sunt quæcunque à pijs fidelibusque Christianis offeruntur Deo & Ecclesie.

Odio & Atia.

Odio & Atia est un vieux Brief mentionné le Statute de Westm. 1. fait en 3 E. 1. cap. 11. & fuit direct al Viscount, pur inquire si hōe commise al prison sur Suspicion del Murder fuit commise sur un just Suspicion, ou pur Malice solement. Et si sur enquiry fuit rove que ne fuit culpable, adonques un autre Brief venust al Viscount p̄ luy bailer. Mes cest course est ore tolle per le Statute de 28 E. 3. cap. 9. come appiert en Stamford's Pl. Cor. fol. 77. G. Et veies Coke, lib. 9. fol. 56. a. b.

Ordæl.

Ordæl est tant adire come *Exptis criminis*, & fuit antient maner de Triall en Criminall causes: car quant le Defendant, esteant arraigne, plede *Ries culpable*, il puit eslier le quel il voer mitter luy mesme sur Dieu & le Pais, que est sur le Verdict

Verdict de Douze homes, cōe ils sont jesque a cest jour, ou sur Dieu solement ; & pur ceo fuit appel. *Judicium Dei*, presumant q̄ Dieu voille deliver le innocent ; c'esta-voif, fil fuit de France estarté doncs p̄ Feu, c'esta-voif, a passera ouster novem *Pomeres ignitos nudis pedibus* : & fil escape *illæsus*, il serra acquite ; & fil nemy, il serra cōdemne. Et si le ptie fuit d'un Servile condition, donque il serra trie per Ewe, que fuit en divers maners : Pur queux veies *Lambert*, verbo *Ordalium*. Mes jammes cest Trial estrouste p̄ Parlement. Veies *Coke lib. 9. fol. 32. b.*

Ordelse.

Ordelse est, lou un clain de aver le Ore que est irave en son Soile ou Terre.

Ordinary.

Ordinary (*Ordinarus*) est ou term del Civil Ley, & en ceo signifie ascun Judge q̄ ad authority pur prēder Conusace de Causes e son droit dem, & nemy p̄ Deputation. Mes en le Common Ley est p̄perint prise p̄ l' Evesque de chesc' Dioces, q̄ est le voier Ordinary p̄ certifier Excommunications, loyall Marri-mony, & tiels Ecclesiastical & Spiritual acts deins ses Dioces, as Judges d'l Common

Verdict of twelve men, as they are at this day, or upon God onely ; and therefore it was called The Judgement of God, presuming that God would deliver the innocent ; and that was, if he were of free estate by fire, that is to say, to go bare-footed over nine Plow-shares fire-hot : and if he escaped unhurt, he should be acquitted ; and if not, then he should be condemned. And if the party were of Servile condition, then he should be tried by Water, which was in divers manners : For which see *Lambert* in the word *Ordalium*. But now this Trial is prohibited by Parliament. See *Coke*, lib. 9. fol. 32. b.

Ordelse.

Ordelse is, where one claims to have the Ore that is found in his Soil or Ground.

Ordinary.

Ordinary is a term of the Civil Law, and there signifies any Judge that hath authority to take Consuance of Causes in his own right, and not by Deputation. But in the Common Law it is properly taken for the Bishop of the Dioces, who is the true Ordinary to certifie Excommunications, lawfull Marriages, and such Ecclesiastical and Spiritual acts within his Dioces, to the Judges of the Common Law ;

Law 3. for he is the party to whom the Court ought to write upon such occasions. And yet this word Ordinary is usually taken in the Common Law and Statutes for every Commissary or Official of the Bishop or other Judge Ecclesiastical that hath Judicial Authority within his Jurisdiction, as appears in Coke, l. 9. Henstoe's C. fol. 36. b. and the Statute of Westm. 2. cap. 19. & 31 E. 3. cap. 11. and many others.

Orfgild:

Orfgild signifies a Payment or restoring of Cattel, from the Sax. Orf, Pecus, and Gild, Solutio, Redditio.

Ouster le maine:

Ouster le maine is a writ directed to the Escheator, to deliver Seisin or Possession out of the King's hands unto the party that sues the writ, for that the Lands seized are not holden of the King, or for that he ought not to have the seigniorship of them, or for that the King's Title is determined, &c. It is also the Judgement given in a Monstrance de Droit, or upon a Traverse or Petition: for when it appears upon the matter discussed that the King hath no Right or Title to the thing that he seizes, then Judgement shall be given that the King's hands be amo-

Ray; car il est le party a q le Court doit escrire sur tiels occasions. Et ailleurs cest parol Ordinary est usualment prise en le Common Ley & les Statutes si chescun Commissarie ou Official d'un Eveque ou autre Judge Ecclesiastical q ad Judiciall Authority deins son Jurisdiction, come appiert en Coke. l. 9. Henstoe's C. fo. 36. b. & le Statute Westm. 2. c. 19. & 31 E. 3. c. 11. & plusieurs autres.

Orfgild.

Orfgild est Pecudis Solutio vel redditio, de Sax. Orf, Pecus; & Gild, Solutio, Redditio.

Ouster le maine.

Ouster le maine (*Amover as manum*) est un Brief direct al Escheator, pur deliver Seisin ou Possession hors des mains le Roy al party q sue le Brief, pur ceo q les Terres seises ne sont tenus al Roy, ou pur ceo q il ne doit aver le Gard de eux, ou pur ceo q le Title le Roy est determiné, &c. Est auxy le Judgement done en un Monstrance de Droit, ou sur un Travers ou Petition: car quant appiert sur le matter discuté q le Roy nad Droit ou Title al chose que il seise, adonque Judgement serra done que les mains le Roy sont ou-

flēs; & sur ceo un Amoveas
manum serā agard al Eschea-
tor; que est tant sicōe Judg-
ment fuit done que le party
averoit son Terre arere. Et
veies pur ceo Stamford Pre-
rog. cap. 24.

bed; and thereupon an Amoveas
manum shall be awarded to
the Escheator; which is as
much as if Judgement were
given that the party should have
his Lands again. And see in
this Stamford. Prerog. cap. 24.

Outfangtheef.

Outfangtheef.

Outfangtheef est, quod
Latrones de Terra ve-
stra vel Feodo vestro, extra
Terram vestram vel Feodum
vestrū capti, ad Curia vestra
revertant; & ibid judicentur.

Outfangtheef is, that Thieves
or Felons belonging to
your Land or Fee, but taken
out of it, shall be brought back
to your Court, and there judg-
ed.

Outlary.

Outlary.

Outlary. Veies utlary.

Outlary. See utlary.

Owelty.

Owelty.

Owelty est, quant il y ad
Seignieur, Mesne, &
Tenant, & le Tenir tient del
Mesne p mesme les Services
que le Mesne tient ouster de
le Sñr Paramount: come si le
Tenant tient del Mesne per
Homage, Fealty, & xx s. de
Rent annuelment, & le Mesne
tient ouster de l' Sñr Para-
mount p Homage, Fealty, &
xx s. Rent auxy; cest appelle
Owelty de Services.

Owelty is, when there is
Lord, Mesne, and Te-
nant, and the Tenant holds of
the Mesne by the same Ser-
vice that the Mesne holds over
of the Lord above him: as if
the Tenant holds of the Mesne
by Homage, Fealty, and xx s.
Rent, and the Mesne holds
over of the Lord above by Ho-
mage, Fealty, and xx s. Rent
also; this is called Owelty of
Services.

Oyer de Records & Faits, &c.

Hearing of Records and Deeds, &c.

Oyer de Records & Faits
est, ove un Action de
Debt est port envers un home

Hearing of Records and Deeds
is, where an Action of
Debt is brought against a man
upon

upon an Obligation, and the Defendant appears, and then says that he may hear the Obligation wherewith the Plaintiff charges him.

So it is when Executors bring an Action of Debt, and the Defendant demands to hear the Testament; upon this demand it shall be read unto him. But if it be in another Term, after the Defendant hath interpleaded, then he shall not hear it. And so as is said of Writs, is to be understood of Records that are alledged against him. See the Title Monstrans de Faits.

Oyer & Terminer.

Oyer & Terminer is a Writ called in Latine de Audiendo & Terminando, and it lies where any great or sudden Insurrection is made, or any other sudden Trespasse, which requires hasty reformation; then the King shall direct a Commission to certain Justices to hear and to determine the same.

Note that the Justices of Assize have also one Commission of Oyer and Terminer directed to them, and divers other inhabitants within the Shires wherunto their Circuit extends, wherof each of the Justices of Assize are of the Quorum, for the hearing and determining of divers Offences which may happen in their Circuit, which without this Commission they could not doe. See Fitz. N. B. lib. 110. b.

sur un Obligation, & le Defendant appeare, & donques prie que il poit oyer le Obligation ovesque que le Plaintiff charge luy.

Il s'ent est quant Executors port un Action de Det, & le Defendant demād oyer del Testament; sur cest demand il serra lie al luy. Mes si soit en un autre Terme, ou apres que le Defendant ad imparle, donqs il navera le oyer. Et il s'ent come est dit de Faits, est desir entendre de Records que sont alledge envers luy. Veies le Title Monstrans de Faits.

Oyer & Terminer.

Oyer & Terminer est Bēc appel en Latia de Audiendo & Terminando, & gist qnt asc' grand ou soudain Insurrection est fait, ou asc' aut soudain Transgression, que requiſ hasty reformatiō; donqs le Roy directera un Commission a certain Justices de Audiendo & Terminando.

Nota que les Justices de Assise ont un Commission de Oyer & Determiner direct al eux, & divers autres inhabitants deins les Counties as queux leur Circuit extende; dont chesc' de les Justices de Assise sōt del Quorum, pur le meulx oyer & determiner de divers Offences queux pōent avener en leur Circuit, quel sans cel Commission eux ne pōent faif. Veies F. N. B. f. 110. b. Paine

P

Paine fort & dure.

Paine fort & dure est un particular Punishment pur tiels que, esteāt arraighn pur Felony, refusont de mit̃ eux mesmes sur le usual Trial de Dieu & le Pais, & p ceo sont Mute, ou come Mute en Ley. Veies ceo a large en *Stamford Pl. Cor. fol. 150.*

Pannage.

Pannage. Veies *Paunage.*

Pannell.

Pannell venust del parol *Francois Panne*, id est, *Pellis*, & signifie en nostre Comon Ley un Schedule ou Rolle que conteine les noms des Jurors queux l' Viscount ad retourn de passer sur ascun Triall. Et pur ceo le *empanneller* del Jury nest riēs fors q̃ le Entry de lour nosmes en le Rolle le Viscount.

Pape.

Pape (*Papa*) est un nosme q̃ signifie *Pater*, & anciennement fuit apply al auter Clergy-men en le *Grec* Esglise; mes p usage est particulièrement approprie en le *Latin* Esglise al Eveque de

P

Paine fort & dure.

Paine fort & dure is an especial Punishment for such as, being arraigned for Felony, refuse to put themselves upon the common Triall of God and the Countrey, and thereby are Mute, or as Mute in Law. See this at large in *Stamford Pl. Cor. fol. 150.*

Pannage.

Pannage. See *Paunage.*

Pannell.

Pannell comes of the French word *Panne*, that is, a Skin and signifies in our Common Law a Schedule or Roll containing the names of the Jurors which the Sheriff hath returned to passe upon any Triall. And therefore the empannelling of the Jury is nothing but the Entering of their names into the Sheriff's Roll.

Pape, or Pope.

Pape (*Papa*) is a name that signifies Father, and anciently was applied to other Clergy-men in the Greek Church; but by usage is particularly appropriated in the Latine Church to the Bishop of Rome.

Rome: a name very frequent in our ancient Year-books, especially in the times of those Kings, who, too much abandoning their Imperial Authority, and abasing themselves beneath their estate, suffered an Alien, an outlandish Bishop, that dwelt 1000 miles off, to take from them the disposition of many Spiritual Preferments, sometimes by Lapse, sometimes by Provision, or otherwise. For redresse whercof divers Statutes were made while the Kingdom was of the Roman Communion; but his whole Power was not taken away till towards the latter end of Henry the eighth's Reign.

Rome: ū nosme mult frequēt ē nre ancient Anuels Livres, specialmēt en le temps de ceux Roys, queux, grandmēt abandonants leur Imperial Authority, & abasants eux mesmes debase leur estate, suffer un Alien, un outlandish Evesq, q inhabit 1000 miles d'eux, de toller d'eux le disposition de plusieurs Spirituel Prefermēt, ascun temps p Lapse, & ascun temps p Provision, ou autermēt. Pur redressē d quel divers Statutes ont este fait pendant que le Royaume fuit de la Roman Communion; mes tout son Pouoir ne fuit tolle jescque vers la fin del Raigne de Roy Henry le huiēt.

Paramount.

Paramount.

Paramount is compounded of two French words, (par, and monter;) and it signifies in our Law the Highest Lord of the Fee. For the better understanding of this see F.N.B.f.135. M. in his Treatise of Mesne.

Paramount est ū pol compound des deux polys Francois, (par, i.e. per, & monter, i.e. ascendere;) & signifie en nre Ley le plus Hault Sñr del Fee. Pur le melieur entelligence de ceo veies F.N.B.f.135. M. en son Bñe d Mesne.

Paravaile.

Paravaile.

Paravaile is also compounded of two French words, (par, and availer;) and signifies in our Law the Lowest Tenant of the fee, who is Tenant to one that holds ober of another. See for the use of this word F.N.B. in his Treatise of Mesne, f.135. M.

Paravaile est ū pol q auxy est cōpound de deux polys Francois, (par, i.e. per, & availer, i.e. demittere;) & signifie en nre Ley le plus Basse Tenant del Fee, q est Tenant al ū q tenuist oust' del aut. Veies p l' use de cest pol F.N.B. en son Bñe de Mesne, f.135. M.

Parceners.

Parceners sont solonque le course de Common Ley, & solonque le Custome. Parceners solonque le Common Ley sont, lou un seisie d'un Estate d'enheritance des Tenements ad issue forsque Files, & devie, & les Tenements discendent a les Files; donque il sont appel *Parceners*, & sont forsque un Heire. Mesme le Ley est, si neyt ascun issue, & que ses Soers serroient les Heires. Mes si home ad forsque un File, el nest dit *Parcener*, mes la File & la Heire. Et si ne sont Files ne Soers, les Terres descenderont a les Aunts, & els sont *Parceners*.

Quant Tres discendent a divers *Parceners*, els poient faire Partition enter eux per Agreement; mes si asc' d'eux ne voient faire Partition, donq les auters averont un Brief de *Partitioe facienda* direct al Viscount, q ferra Partition enter eux per le serement de xij. loyals homes de sa Bayliwike.

Auxy Partition per Agreement poit estre fait p le Ley, auxy bien per Parol sans Fait, come per Fait. Et si ils sont d pleine age, la Partitiō tous jours demurrera, & ne serra unques desere.

Mes si les Tres sont a eux

Parceners.

Parceners are according to the course of the Common Law, and according to Custom. Parceners according to the Common Law are, where one seised of an Estate of inheritance of Tenements hath no issue but Daughters, and dies, and the Tenements descend to the Daughters; then they are called Parceners, and are but as one Heir. The same Law is, if he have not any issue, and that his Sisters should be his Heirs. But if a man hath but one Daughter, he is not called Parcener, but the Daughter and Heir. And if there are no Daughters nor Sisters, the Land shall descend to the Aunts, and they are called Parceners.

When Lands descend to divers Parceners, they may make Partition between themselves by Agreement; but if any of them will not make Partition, then the others shall have a Writ de *Partitioe facienda* directed to the Sheriff, who shall make Partition between them by the oath of xij. lawful men of the Bailiwick.

Also Partition by Agreement may be made by the Law, as well by Word without Deed, as by Deed. And if they are of full age, the Partition shall remain for ever, and shall never be defeated.

But if the Lands be to them

in tail, though they are concluded during their lives, yet the Issue of him who hath the lesser part in value may disagree from the Partition, and enter and occupy in common with the other part. And if the Husband and the Wife make Partition, when the Husband dies the Wife may disagree from the Partition. Also if the Parcener who is within age makes Partition, when she comes to full age she may disagree. But she must take good heed when she comes to her full age, that she take not all the Profits to her own use of the Lands which were to her allotted; for then she agrees to the Partition: and the age shall alway be intended the age of one and twenty years.

If there be divers Parceners that have made Partition between them, and one of their parts is recovered by lawful Title; then she shall compell the other to make a new Partition.

Parceners according to Custom are, where a man is seised of Lands in Gavelkind, as in Kent, and other places franchised, and hath issue divers Sons, and dies; then the Sons are Parceners by Custom.

Parco fracto.

Parco fracto is a writ that lies against him that breaks any Pound, and takes out

en le-taille, com̃ que ils sont concludes durant leur vies, uncore l'Issue cestuy q̃ ad le meinder part en value poit disagree a la Partition, & enē & occuper ē common ovesq̃ l'auter part. Et si les Barons des Parceners font Partition, quant le Baron devie la Feme poit disagreeer a la Partition. Aux si le *Parcener* q̃ est deins age fait Partition, quant el vient a son pleine age el poit disagreeer. Mes el covient bien garder quant el vient a son plein age, q̃ el ne preigne routs les Profits a son use demesne des T̃res que fueront a luy allottes; car donques el soy agreee al le Partition; & le pleine age serra tous foits entende al age de xxi. ans.

Auxy si sont divers Parceners que ont fait Partition enter eux, & le part d'un soit recover vers luy p̃ Title loyal; donques el compellera les autres de faire novel Partition.

Parceners solongue le *Custom* sont, lou home est seise de T̃res en *Gavelkind*, come en *Kent*, & autres lieux franchises, & ad issue divers Fils, & devie; donques les Fils sont *Parceners* per le *Custom*.

Parco fracto.

Parco fracto est ū B̃fe que gist vers cestuy q̃ enfreint asc' Pound, & prist hors d' ceo

aseuns Avers queux sont la
loyalment impounds. Vcies &
ceo F.N.B. fo. 100.E.

the Beasts which are then
lawfully impounded. See
this F.N.B. fo. 100.E.

Parson imparfonee.

Parson imparfonee.

Parson imparfonee est cestuy
q est e possession dun Es-
glise approprie ou presentative ;
car issint est use e abideux cas-
ses e Dyer, f. 40.b. & f. 221.b.

Parson imparfonee is he that is
in possession of a Church ap-
propriate or presentative ; for so
it is used in both cases in Dyer,
f. 40.b. and f. 221.b.

Parties.

Parties.

Parties al Fine ou Fait s'ot
ceux queux sont nosmes
en Faits ou Fines come Par-
ties a ceo ; come ceux queux
levie le Fine, & ils a q le
Fine est levie. Et ils que sont
un Fait de Feoffment, & ils a
q il est fait, sont appellees
Parties al Fait : & issint en
autres semblables cases.

Parties to a Fine or Deed are
those which are named in
a Deed or Fine as Parties to
it ; as those that levy the
Fine, and they to whom the
Fine is levied. And they that
make a Deed of Feoffment, and
they to whom it is made, are
called Parties to the Deed : and
so in many other like cases.

Nota, que si un Indenture
soit fait enter deux cōe Par-
ties a ceo e le commencement,
& en le fait un d'eux grant
ou lessa un chose al un autre
q nest nosme en le commence-
ment, il nest Partie al Fait,
ne prendra riens per ceo.

Note, that if an Indenture be
made between two as Parties
thereto in the beginning, and in
the Deed one of them grants or
lets a thing to another who is
not named in the beginning, he
is not Party to the Deed, nor shall
take any thing thereby.

Partition.

Partition.

Partition est un Division
de Terres descendus p le
Common Ley, ou per Cu-
stome, perenter Coheirs ou
Parceners, ou ils sont deux
al meines, soient ils Fitz,
Files, Soers, Aunts, ou autre-
ment de kinne al Ancestour

Partition is a Dividing of
Lands descended by the
Common Law, or by Custom,
among Coheirs or Parceners,
where there are two at least,
whether they be Sons, Daugh-
ters, Sisters, Aunts, or other-
wise of kin to the Ancestour
from

from whom the Land descended
wherem.

And this Partition is made
four ways for the most part;
whereof three are at pleasure
and by Agreement among them,
the fourth is by Compulsion.

One Partition by Agreement is,
when they themselves divide
the Land equally into so many
parts as there are of them Co-
parceners; and each to chuse one
share or part, the eldest first,
and so the one after the other, as
they be of age; except that the
eldest by consent made the Par-
tition, then the Choice belongs
to the next, and so to the eldest
last, according as it is said. Who
makes the Partition, the other must
have the Choice.

Another Partition by Agreement
is, when they chuse certain of
their friends to make Division
for them.

The third Partition by Agree-
ment is, by drawing Lots, thus:
first to divide the Land into
so many parts as there are Par-
ceners; then to write every part
severally in a little Scroll, or
piece of paper, or parchment,
and put the same Scroll up close
into a Hat, or Cap, or other
such like thing; and then each
Parcener, one after another,
as they are in age, to draw one
piece or Scroll wherein is writ-
ten a part of the Land, which
by this Drawing is now seve-
rally allotted to them in Fee-
simple.

The fourth Partition, which

de que le Terre descende al
eux.

Et cest Partition est fait
quatuor voies p le plus part;
de q trois sont al pleasure &
p Agrément pentèr eux, le
quart est per Compulsion.

Un Partition per Agreement
est, quant ils mesmes divide le
Tfe equalmt en rants parts
cõe la sont d'eux Coparceners,
& chesc' d'essier un share ou
part, l'eigne primermt, & il-
sint l'un apres l'auter, cõe ils
sont d'age; si non q le eigne
per consent fait le Partition,
donques l'Electio appertiet
al pcheine, & issint al eigne
darreineur, accordant come
il est dit, *Cujus est Partitio,
alterius est Electio.*

Un aut Partition per Agree-
ment est, quant ils essient cer-
taine de leur Amies de faire
Division pur eux.

Le tierce Partition per A-
greement est, per trahens de
Lots, issint: Primermt de di-
vider le Tfe en rants des pts
come la sont Parceners; don-
ques a scribe chesc' part se-
veralmnt en ũ petit Scroll, ou
peece d paper, ou parchmt, &
d mitter ceux Scrolls close e
ũ Hat, Cap, ou aut tiel sem-
blable chose; & donq chesc'
Parcener, un aps auter, come
ils sont d'age, a traher un
peece ou Scroll e q est escript
un part del Tfe, q per cest
Trahens est ore severalmnt
allotte al eux en Fee-simple.

Le quart Partition, que
est

est per Compulsion, est, lou un ou ascuns d' les Coparceners voilent aver Particion, & auters ne voilent agreer a ceo; donques ceux que issint voilent aver Partitio poient porter un Brief De Partitioe facienda envers les auters queux ne voilent faire Partitio, per vertue d'quel ils seront compel d' parter, &c.

En Kent, lou les Terres sōt d' Gavelkind-nature, ils appel a cest jour leur Particion Shifting, il mesme parol que les Saxons use, nosmeint Shif-tan, que signifie pur faire Particion perenter Coheires, & p assigner a chescun d' eux leur portion. En Latin est appelle Herciscere.

Particion auxy poit estī fait per Joyntenants ou Tenants en common per leur assent, p Fait enter eux, ou per Brief, p les Statutes d' 31 H. 8. cap. 1. & 32 H. 8. cap. 32.

Passport.

Passport est un parol mention en l' Statute 2 E. 6. cap. 2. & signifie un Licence fait per asc' que ad authority, pur le safe passage dascun hōe del un lieu al auter.

Patron.

Patron est celuy q ad l'Advowso d' ū Parsonage, Vicarage, Frāk-chappell, ou tiels sebl' Spiritual Promotiōs, ap-

is by Compulsion, is, when one or some of the Coparceners would have Particion, and either some will not agree thereto; then they that so would have Particion may bring a writ De Partitioe facienda against the others that would not make Particion, by virtue whereof they shall be compelled to part, &c.

In Kent, where the Lands are of Gavelkind-nature, they call at this day their Particion Shifting, even the same word that the Saxons used, namely Shif-tan, which signifies to make Particion between Coheirs, and to assign to each of them their portion. In Latin it is called Herciscere.

Particion also may be made by Joyntenants or Tenants in common by their assent, by Deed between them, or by writ, by the Statutes of 31 H. 8. cap. 1. and 32 H. 8. cap. 32.

Passport.

Passport is a word mentioned in the Statute of 2 E. 6. cap. 2. and signifies a Licence made by any that hath authority, for the safe passage of any man from one place to another.

Patron.

Patron is he that hath the Advowson of a Parsonage, Vicarage, Frāk-chappel, or such like Spiritual Promotiōs, be-
long-

belonging to his Mannor, or otherwise in grosse, and thereby may or ought to give the same Benefice, or present thereto, when and as often as it becomes void. And this being Patron, or Patronage, had beginning for the most part by one of these three ways: namely, either by reason of the Foundation, for that the Patron or his Ancestors, or those from whom he claims, were Founders or Builders of the Church; or by reason of Donation, for that they did endow or give Lands to the same for maintenance thereof; or else by reason of the Ground, because the Church was set or built upon their soil or ground: and many times by reason of all three.

Paunage, or Pannage.

Paunage, or Pannage, is that money which the Agistors of Forrests do gather for the feeding of Hogs within the Forrest: and it is also taken for all manner of Mast of trees within the Forrest on which the Hogs do feed. See Manw. For. Laws, chap. 12. fol. 90. a.

Peers.

Peers are those that are impannelled in an Enquest upon any man, for the convicting or clearing him of any offence for which he is called in questi-

on. pertient a son Mannor, ou autrement en grosse, & peit ceo poit ou doit doner mesme l' Benefice, ou present a ceo, quant & cy tost q il devient voide. Et cest estant Patron, ou Patronage, ad commencement pur l' plus part per un d' ceux troies voyes: nolsmeint, ou *ratione Fundationis*, pur ceo que l' Patron ou ses Auncestors, ou ceux d' q il claime, fueront Founders ou Edifiers de l' Esglise; ou *ratione Donationis*, pur ceo q ilis endowe ou done Terres al ceo pur maintenance; ou autrement *ratione Fundi*, pur ceo q le Esglise fuit mis ou edifice sur lour soile ou terre: & divers temps per reason de routs trois.

Paunage, ou Pannage.

Paunage, ou Pannage, (*Pannagium*) est ceo argent que les Agistors des Forrests collect pur l' feeder des Porcels deins l' Forrest: & est auxy prise pur routs manners del Mast des arbres deins l' Forrest, d' q les Porcels feed. Veies Manw. For. Leyes, c. 12. f. 90. a.

Peers.

Peers sont ceux q sont impannels en un Enquest sur aucun home, pur l' convicter ou acquiter d' luy d' asc' offence pur que il est en question.

on. Le reaso d' q'l appellation del Jury est p' ceo, que *Peers* venust del *Latin Pares*, id est, *Egals*; & le custome d' nost' Nation est, pur trier chescun home per ses *Egals*, cestascavoir, per ses *Peers*. Et issint appiert p' l' Statutes de *Mag. Charta*, cap. 29. & *West. 1. ca. 6.* Cest parol est auxy use pur le Nobility del Realme & les Seignours del Parliament, queux sont appellees les *Peers del Realme*. Et de ceo veies *Stamf. Pl. Coron. lib. 3. cap. 1. fo. 152.*

on. The reason of which appellation of the Jury is, for that Peers comes from the *Latine Pares*, that is, *Equals*; and the custome of our Nation is, to try every man by his *Equals*, that is to say, by his *Peers*. And so it appears by the Statutes of *Magna Charta*, cap. 29. & *West. 1. cap. 6.* This word is also used for the Nobility of the Realm and Lords of the Parliament, who are called the Peers of the Realm. And of that see *Stamf. Pl. of the Crown*, lib. 3. cap. 1. fol. 152.

*Perambulatione
facienda.*

Perambulatione facienda est unB're q' gist lou 2. S'ries gisont un pres l'auter, & ascun Encroachment est fait p' long t'eps; donqs p' assent d' ambid' Seignours, l' Viscount prendra ovesque luy les parties & les vicines, & fieront *Perambulation*, & fieront les Metes come ils fueront a devant. Mes si un Seignour encroach sur l'auter, & ne voile faire *Perambulation*, donques l' Seignour issint grieve avera Brief vers l'auter, que est appelle de *Rationalibus divisis*.

Perinde valere.

Perinde valere est u' terme que appert al Ley Ecclesiasticall, & signifie un Dis-

*Perambulatione
facienda.*

Perambulatione facienda is a Writ that lies where two Lordships lie one nigh another, and some Encroachment is made by long time; then, by assent of both Lords, the Shierif shall take with him the parties and the neighbours, and shall make *Perambulation*, and shall make the Bounds as they were before. But if a Lord encroch upon another, and he will not make *Perambulation*, then the Lord so grieved shall have a Writ against the other, which is called de *Rationalibus divisis*.

Perinde valere.

Perinde valere is a term that belongs to the Ecclesiasticall Law, and signifies a Dis-

penſation granted to a Clerk, who not being capable of a Benefice or other Eccleſiaſticall Function is de facto admitted to it. And it hath the name from the words which make the faculty as effectual to the party, as if he were actually capable of the thing for which he hath his Diſpenſation at the time of his admittance.

penſation graunt alū Clerk, que neſteant capable dun Benefice ou auter Eccleſiaſticall Function eſt de facto a ceo admit. Et avoit ceſt appellation des parols que ſont l'faculty cy effectuell al parry, ſicōe il fuit actualment capable del choſe pur que il ad ſon Diſpenſation al temps de ſon admittance.

Pernor of Profits.

Pernor of Profits is he that takes the Profits. Pernor of Profits and Cestuy que use is all one. Coke, l. 1. Caſu Chudley, fo. 123.

Pernor de Profits.

Pernor de Profits eſt il q prend les Profits. Pernor de profits & Cestuy que use eſt tout meſme. Coke, lib. 1. Caſu Chudley, fol. 123.

Per quæ ſervitia.

Per quæ ſervitia is a Writ Judiciall, and goes out upon the Dore of a Fine; and it lies by the Conuſee of a Mannor or Seignior, to compell him that is Tenant of the Land at the time of the Fine levied to attourn to him. And of this Writ ſee the Old N. B. fol. 170. a.

Per quæ ſervitia.

Per quæ ſervitia eſt un Brief judiciall, que iſſuit del Note dune Fine; & giſt pur l'Conuſee dun Mañor ou Seignior, pur compell ceſtuy que eſt Tenant del Terre al réps del Fine levy p attourne aluy. Et de ceſt Brief veies Vieux N. B. fol. 170. a.

Perquiſites.

Perquiſites are Advantages and Profits that come to a Mannor by casualty, and not yearly; as Eſcheats, Harriots, Reliefs, Waifes, Eſtrays, forfeitures, Amerciaments in Courts, Goods and Lands purchaſed by Villains of the ſame Mannor, Fines of Co-

Perquiſites.

Perquiſites ſont Advantages & Profits queux vient al un Mañor per casualty, & non annuelment: come Eſcheats, Harriots, Reliefs, Waifes, Eſtrayes, Forfeitures, Amerciaments é Courts, Biēs & Terres purchaſe p Villeins de m l' Mañor, Fine del Cōpiholds

pholds, & divers semblables choses queux ne sont certaine, mes happe per chance, aucun temps plus often que a autre temps. Vide *Rekins fol. 20, & 21.*

pholds, and divers other like things that are not certain, but come by chance, sometimes more often then at other times. See *Perkins fol. 20, & 21.*

Personalty.

Personalty: come le Action est e le *Personalty*, cest a seavoir, port envers le droit pson, ou de person envers ql en Ley il gist.

Personalty.

Personalty: as the Action is in the *Personalty*, that is to say, brought against the right person, or the person against whom in Law it lies.

Petit Cape.

Petit Cape est un Brief q gist quant aucun Action Real, cest a seavoir, de Plee de Terre, est port, & le Tenant appeare, & puis fait Default; donques issira cest *Petit Cape*, de seiser les Terres en mains le Roy. Mes sil ne appeal primer Summons, donques issira un *Grand Cape*, & par ciel Default le Tenant perdra la Terre. Mes sil gage son Ley de Non-summons, ils saver son Default, & donques il poit pleade ovesque le Demandant. Et in *Grand Cape* le Tenant serra summon pur responder al Default, & ouster al Demandant: Mes en *Petit Cape* il serra summon pur responder al Default solement, & nemy al Demandant. Et est appelle *Petit Cape*, pur ceo que il ad *minus* en cel Brief que en l'autre.

Petit Cape.

Petit Cape is a Writ that lies when any Action Real, that is to say, of Plee of Land, is brought, and the Tenant appears, and afterward makes Default; then this *Petit Cape* shall goe forth to seise the Lands into the King's hands. But if he appears not at the first Summons, then a *Grand Cape* shall goe forth; and for such Default the Tenant shall lose the Land. But if he wage his Law of Non-summons, he shall save his Default, and then he may plead with the Demandant. And in *Grand Cape* the Tenant shall be summoned to answer to the Default, and farther to the Demandant: But in *Petit Cape* he shall be summoned to answer to the Default onely, and not to the Demandant. And it is called *Petit Cape*, for that there is less in this Writ then in the other.

Petit Serjeantie.

TO hold by Petit Serjeantie is as if a man held Lands or Tenements of the King, yielding him a Knife, a Buckler, an Arrow, a Bow without string, or other like Service, at the will of the first Feoffor; and there belongs not Ward, Marriage, or Reliefe. And mark well, that a man may not hold by Grant nor Petit Serjeantie, but of the King. See the Stat. 12 Car. 2. cap. 24.

Petit Serjeantie.

Tener per Petit Serjeantie est sicome un home tient de Roy Terres ou Tenements, rendant a luy un Currel, un Escue, un Serf, un Arc sans cord, ou aut sembl' Service, a la volunt le primer Feoffor; & la nappent Gard, Marriage, ne Reliefe. Et nota, que hom ne poit tener per Grand Serjeantie ne per Petit Serjeantie, si non del Roy. Veiesle Stat. 12 Car. 2. cap. 24.

Piccage.

Piccage is the payment of money, or the money paid for the breaking of the ground to set up Booths and Standings in fairs.

Piccage.

Piccage (*Piccagium*) est le payment des deniers, ou les deniers paies pur le infreinder del soile pur erecter Tents ou Setles en Faires.

Picle, or Pitle.

Picle, ou Pitle.

Picle, or Pitle, seems to come from the Italian *Piccolo*, *Parvus*, and signifies with us a little Small Close or Inclosure.

Picle, ou Pitle, s'emble de venir del Italian *Piccolo*, *Parvus*, & signifie ovesque nous un Petit Close ou Inclosure.

Pillory.

Pillory.

Pillory is an Engine of punishment ordained by the Statute of 51 H. 3. for the punishment of Wakers; but now also for many other Offenders.

Pillory est un Engine d'punance ordein p le Statute de 51 H. 3. pur le punisment des Pistors; mes a ore use pur plusors auters Offenders.

Pipowders.

Pipowders.

Pipowders est un Court qⁱ est incident a chesc' Fair, pur le determinatiō de différences sur cōtract & tours disorders en c' cōmisse. Veies pluis de ceo *Crompt. Jurisd. fol. 229. Coke, lib. 10. fol. 73.*

Piscary.

Piscary est un Liberty del Pischer en le ewe dūn auter.

Placard.

Placard est un parol use en les Statutes de 33 H.8. cap. 6. & 2 & 3 Ma. cap. 9. & signifie un Licence pur user illoyal Games, ou de shooter en un Bombarde.

Plaintife.

Plaintife est celuy que sue ou complaine en un Assise, ou en un Action Personal; come en un Action de Det, Trespas, Disceit, & Detinue, & tiels semblables.

Pleading.

Pleadings sont tous Acts del parties al Suits apres le Count ou Declaration; nōsmement ceo que est containe en le Barre, Replicac', & Rejoynr, & non ceo con-

Pipowders.

Pipowders is a Court which is incident to every Fair, for the determination of differences upon bargains and disorders therein. See more heretofore *Crompt. Jurisd. fol. 229. Coke, lib. 10. fol. 73.*

Piscary.

Piscary is a Liberty of fishing in another man's waters.

Placard.

Placard is a word used in the Statutes of 33 H.8. cap. 1. & 2 & 3 Ma. cap. 9. and it signifies a Licence to use unlawful Games, or to shoot in a Gun.

Plaintif.

Plaintif is he that sues or complains in an Assise, or in an Action Personal; as in an Action of Debt, Trespass, Disceit, Detinue, and such other.

Pleading.

Pleadings are all the Sayings of the parties to Suits after the Count or Declaration; namely that which is contained in the Bar, Replication, and Rejoinder; and not that con-

tained in the Count it self: and therefore Defaults in the matter of Count are not comprised within Mispleading, or insufficient Pleading, nor are remedied by the Statute of Jeofails, 32 H. 8. but onely the Mispleading or insufficient Pleading committed in the Bar, Repliation, and Rejoinder, are there provided for. But see those now remedied also by the Statute of 18 Eliz. cap. 13.

Plenary.

Plenary is, when a Benefice is full, directly contrary to Vacation, which signifies the being void of a Benefice. *Stamf. Preiog. cap. 8. fol. 32.*

Policy of Assurance.

Policy of Assurance is a course taken by Merchants for the insuring of their Adventures upon the Sea, by giving a certain proportion in the hundred for securing the safe return of the Ship, and so much Merchandise as is agreed upon. And of this you may read in the Statute of 43 Eliz. cap. 12.

Pone.

Pone is a writ whereby a Cause depending in the County-Court is removed into the Common Pleas. See for the Old N. B. fol. 2. 2.

teñ en le Count m: & p ceo Defaults e le mart del Count ne sont comprise deins Mispleading, ou insufficient Pleading, ne sont remedie per le Statute de Jeofails, 32 H. 8. mes solemt ceo Mispleading ou insufficiet Pleading commit en le Barre, Repliation, & Rejoinder, sont la provide. Mes veies ceux auxy ore remedies per le Statute 18 Eliz. cap. 13.

Plenartie.

Plenartie est qñt un Benefice est plene, directmt opposite al Vacation, q signifie l'avoidance d' un Benefice. *Stamf. Preiog. cap. 8. fol. 32.*

Policy del Assurance.

Policy del Assurance est un course prise p Merchants pur l'assurer des leur Adventures sur le Mer, p doner un certain proportion p centum pur le securer del safe retourñ del Neife, & tant des Merchandizes sur que est agree. Et de ceo poñ lier e le Statute de 43 Eliz. cap. 12.

Pone.

Pone est un Brief per que un Cause q depend en le County-Court est remove en le Common Pleas. Veies pur ceo *Veil N. B. fol. 2. a.*

Pontage.

Pontage est un parol mention en divers Statutes: com̄ ē *Westm. 1. cap. 25. 1 H. 8. cap. 9. & 39 Eliz. cap. 24.* & signifie asc' foits le Contribution collect pur le Reparation dun Pont; ascun foits le Tolle pay per passengiers a ceo purpose.

Portgreve.

Portgreve. Veies *Viscount.*

Portmoot.

Portmoot est un parol use en le Statute de 43 *Eliz. cap. 15.* & signifie un Court tenus en un Port-ville.

Possession.

Possession est deux voies; ou actual, ou en Ley.

Actual Possession est, qñt un home enter en fait en Terres ou Tenements a luy discende, ou autrement.

Possession en Ley est, quant Terres ou Tenements sont discende al un home, & il nad uncore realment, actualment, & en fait enter en eux. Et il est appell' *Possession en Ley*, pur ceo que en le oiel & consideration del Ley il est pense destē en Possession, entāt que il est Tenant a chescun Actiō

Pontage.

Pontage is a word mentioned in many Statutes: as in *Westm. 1. cap. 25. 1 H. 8. cap. 9. & 39 Eliz. cap. 24.* and it signifies sometimes the Contribution that is gathered for the Repairing of a Bridge; sometimes the Toll paid by the passengers to that purpose.

Portgreve.

Portgreve. See *Viscount.*

Portmoot.

Portmoot is a word used in the Statute of 43 *Eliz. cap. 15.* and signifies a Court kept in a Haven-town.

Possession.

Possession is twofold; either actual, or in Law.

Actual Possession is, when a man actually enters into Lands or Tenements to him descended, or otherwise.

Possession in Law is, when Lands or Tenements are descended to a man, and he hath not as yet really, actually, and in deed entered into them. And it is called Possession in Law, because in the eye and consideration of the Law he is deemed to be in Possession, since he is Tenant to every man's Action that

that will sue concerning the
same Lands or Tenements.

que asc' voit suer concernant
mesmes les T^{rs} ou Tene^{ms}.

Post diem.

Post diem.

Post diem is the Return of a
Writ after the day assigned
for its Return.

Post diem est le Returne
d'un Brief apres le jour
assigne p^r le Returne de ceo.

Postdisseisin.

Postdisseisin.

Postdisseisin. Look for that
before in the Title Assise.

Postdisseisin. Vide de ceo
devant en le Title Assise.

Postea.

Postea.

Postea is the Record of the
proceedings upon a Trial by
Writ of Nisi prius, which is re-
turned after the Trial by the
Judge before whom it was tri-
ed into the Court where first the
Suit began, to have Judgment
there given upon the Verdict :
and it is called the Postea, be-
cause it begins with Postea die &
cetera, &c.

Postea est le Record des
proceedings sur un Trial
per un Brief de Nisi prius,
que est retourne apres le
Trial per le Judge devant
qⁱ fuit trye en le Court
lou l' Action primerment
commence, daver Judgement
la donee sur le Verdict : &
est appelle le Postea pur ceo
que, &c.

Poundage.

Poundage.

Poundage is a Subsidie to the
value of 12 d. in the pound.
which is granted to the King
by every Merchant, as well
Denizen as Alien, for all man-
ner of Merchandize carried out
and brought in. And of such
Subsidies see the Statute 1 & 2
E. 6. cap. 13. & 1 Jac. cap. 33. &
14 Car. 2. cap. 24.

Poundage est un Subsidy al
value de duodize deniers
en le liver, qⁱ est grant al Roy
per chescun Merchant, cybi^e
Denizen cōe Alien, pur rours
manners des Merchandizes
exports & imports. Et des
tiels Subsidies veies les Sta-
tures de 1 & 2 E. 6. c. 13. &
1 Jac. c. 33. & 14 Car. 2. c. 24.

Pounds.

Pounds sont en deux sorts; lun *Pound overt*, le autre *Pound close*.

Pound overt est chescun lieu en que un Distresse est mis, soit ceo common Pound, ou Back-side, Court, Yard, Pasture, ou autrement quecunque lou le owner del Distresse poit venter a doner eux viand, sans offence pur leur esteant la, ou son venter la.

Pound close est tiel lieu lou le owner del Distresse ne poit venter a doner eux viand sans offence; come en un Close meafon, ou quecunque autre lieu.

Præmunire.

Præmunire est un Brief q̄ gist lou ascun home suc ascun autre en Court Christian pur ascun chose que est determinable en le Court le Roy; p̄ quel grand punishment est ordaine per plusieurs Statutes; cestascavoir, que il serra hors de proreccion le Roy, & mis en prison sans baile ou mainprise, tanque il ad fait Fine al volūt le Roy, & que ses Terres & chateaux seront forfeits si il ne veigne deins deux mois. Et son Proviseurs, Procurators, Attornies, Executors, Notaries, & maintainors, seront punis en mesme le manner. Ideo *vide Statutum*.

Pounds.

Pounds are in two sorts; the one Pound open, the other close.

Pound open is every place whetein a Distresse is put, whether it be common Pound, or Back-side, Court, Yard, Pasture, or else whatsoever whetein to the owner of the Distresse may come to give them meat without offence for their being there, or his coming thither.

Pound close is such a place where the owner of the Distresse may not come to give them meat without offence; as in a Close house, or whatsoever else place.

Præmunire.

Præmunire is a writ that lies where any man sues another in the Spiritual Court for any thing that is determinable in the King's Court; for which great punishment is ordained by divers Statutes; viz. that he shall be out of the King's protection, and put in prison without bail or mainprise, till he have made fine at the King's will, and that his Lands and goods shall be forfeited if he come not within two months. And his Provisors, Procurators, Attorneys, Executors, Notaries, and maintainors shall be punished in the same manner. Therefore look ch Stat.

Also some say, if a Clerk sue another man in the Court of Rome for a thing Spiritual, where he may have remedy within the Realm in the Court of his Ordinary, that he shall be within the case of the Statute.

And upon divers other offences is imposed, by Statutes lately made, the penalty that they incur who are attainted in *Premunire*: As by 13 Eliz. cap. 8. they who are aiding to make a corrupt Bargain whereupon *Wary* is reserved above x l. in the hundred for a year, &c.

Preamble.

Preamble takes his name of the preposition (*præ*) before, and the verb (*ambulo*) to go; so joined together, they make the compound verb (*præambulo*) to go before; and hereof the first part or beginning of an Act is called the Preamble of the Act, which is a Key to open the minds of the makers of the Act, and the mischiefs which they intend to remedy by the same. As for example, the Statute made at Westminster the first, the 37. chap. which gives an Attaint, the Preamble of which is thus; soasmuch as certain people of the Realm doubt very little to give false Verdicts or Oaths, which they ought not to doe, whereby many people are distressed, and lose their right; It is provided, &c.

Auxy aucuns dient, que si un Clerke sue auter home en Court de Rome pur chose Spiritual, lou il poit aver remede deins cest Realme en Court son Ordinarie, que il serra en le case de le Statute.

Et sur divers auls offences est impose, p Statutes depuis fait, le penaltie q eux incurre queux fueront attaints en *Premunire*: Come per 31 El. cap. 8. ceux que aidont a faire corrupt Bargaine, sur que *Wary* est reserve ouster 10 l. en le Hundred pur l'an, &c.

Preamble.

Preamble ad son nomme de le preposition (*præ*) devant, & le verb (*ambulo*) pur va; issint joynt ensemble, ils font un cōpound verb (*præambulo*) p' uer devant; & de ceo le primer pr ou commencement de un Act est appelle le Preamble de le Act, le quel est un cliffe de overer les ments del feafors del Act, & les mischiefs q ils entende de remedie p ceo. Come p' example, le Statute fait al Westminster le premier, le 37. cap. que don Attaint, le Preamble de q est issint: Par ceo que aucuns gens de la Torre doutant meins faux Serement faiz, q faire ne duissent, per que multes des gens sont distresses, & p'dent lour droit; Purvey, &c.

Prebend & Prebendary.

Prebend & Prebendary sont parols plusors foits uses en nre Livres, & ils veignent del Latine (*præbeo.*) Prebend est ceo part ou portion que chescun member ou Canon dun Cathedrall Esglise receive en le droit son lieu pur son maintenance; & Prebendary est cestuy q̄ avoit tiel Prebend.

Precipe ou Præcipe in capite.

Precipe in capite est un Brief que gift lou le Tenant tient del Roy en chiefe come de sa Corone, & il est desforce, cest adire, ouste de son Terre; donques il avéra cest Brief, & il serra Close, & serra plede en le Common Banke.

Auxy si ascun Tenant que tient de ascun Seignior soit desforce, luy covient suer Brief de Droit Patent, que serra determine en le Court le Seignior. Mes si le Terre soit tenu del Roy, le Brief de Droit Patent serra port al Court le Roy: & cest Brief poit estre remove de la Court de Seignior en le Countie per un Tolt, & de le Countie en Common Banke per un Pone. Ideo veies devant Titulo Droit.

Prebend and Prebendary.

Prebend and Prebendary are terms often used in our Books, and they come of the Latine (*præbeo.*) Prebend is that portion which every member of Canon of the Cathedrall Church receives in right of his place for his maintenance; and Prebendary is he that hath such a Prebend.

Precipe or Præcipe in capite.

Precipe in capite is a Writ that lies where the Tenant holds of the King in chief as of his Crown, and he is desforced, that is, put out of his Land; then he shall have this Writ, and it shall be Close, and shall be pleaded in the Common Pleas.

Also if any Tenant that holds of any Lord be desforced, it behoves him to sue a Writ of Right Patent, which shall be determined in the Lord's Court. But if the Land be holden of the King, the Writ of Right Patent shall be brought to the King's Court: and this Writ may be removed from the Lord's Court unto the County by a Tolt, and from the County into the Common Place by a Pone. Look therefore before in the Title Droit.

Preignotary.

Preignotary.

Preignotary is compounded of two Latine words (*præ* and *Notarius*;) and is used in our Law for the chief Clerks of the King's Courts. whereof there is one in the King's Bench, and three in the Common Pleas. He in the King's Bench records all Actions Civil sued in that Court: and they of the Common Pleas inroll all Declarations, Pleadings and Judgements, and make out all Judicial Writs, they inroll all fines and Recognisances, and exemplifie all Records the same Term before the Rolls are delivered out of their hands.

Preignotary est compound des deux polys Latinois (*præ* & *Notarius*;) & est use en nostre Ley pur le chiefe Clerks des Courts le Roy, dont la est un e Bank le Roy, & trois en le Common Bank. Cestuy en Bank le Roy record tous Actions Civils sues e ceo Court: & ceux d'l Cōmon Bank inrolle tous Declaratiōs, Pleadings & Judgments, & font hors tous judiciall Briefs, ils inrolle tous Fines & Recognisances, & exemplifiēt tous Records m le Term devant q les Rolles sont baile hors de leur mains.

Premises.

Premises.

Premises. *Sæ* Habendum.

Premises. Veies Habendum.

Prender.

Prender.

Prender is the Power or right of Taking a thing before it be seized; from the French *prendre*, *i. accipere*.

Prender est Potestas aut ius quicquid Accipiedi antequam offertur; à François *prendre, i. accipere*.

Prescription.

Prescription.

Prescription is, when a man claims any thing, because of his Ancestors or Predecessors, or they whose Estate he hath, have had or used it all the time whereof no memory is to the contrary.

Prescription est, quant un person claime asc' chose, pur ceo que il, ses Ancestors ou Predecessors, ou eux que Estare il ad, ont ew ou use ceo dont nul memorie curt al contrary.

Mes ũ ne poit pcribe encounter un Statute, sinon que il ad auter Statute que serve pur luy.

But one may not prescribe against a Statute, except he have another Statute that serves for him.

Presentment.

Presentment.

Presentment est equivocum. L'un est al Esglise; coment quant ascun home ad droit a doner ascun Benefice Spiritual, & nosme le pson al Evesque a q il voit le doner, & fait un Letter al Evesque pur luy, ceo est un *Presentation* ou *Presentment*. Si divers Coheirs ne poient accorder en Presentment, le Presentee de l'eigne serra admittre. Mes si Joyntenants & Tenants en common ne accordant deins les six moys, l'Evesque presentera per laps.

L'auter est un *Presentment* ou *Information* p ascun Jurie en un Court, devant asc' Officer la q ad autoritie de punisher asc' offence fait contraire le Ley.

Presentment is of two significations. One is to a Church; as when any man hath right to give any Benefice Spiritual, and names the person to the Bishop to whom he will give it, and makes a Writing to the Bishop for him, that is a *Presentation* or *Presentment*. If divers Coheirs cannot agree in *Presentment*, the Presentee of the eldest shall be admitted. But if Joyntenants and Tenants in common agree not within six moneths, the Bishop shall present by laps.

The other is a *Presentment* or *Information* by a Jury in a Court, before any Officer who hath authority to punish any offence done contrary to the Law.

Pretensed Droit ou Title.

Pretensed Right or Title.

Pretensed Droit ou Title est, lou un est e possession de Terres ou Tenements, & un auter que est hors claime ceo, ou sue pur ceo: ore le *pretensed Droit ou Title* est dit en luy que issint sue ou claime. Et si il puis vient a le possession, son Droit ou Title est anexe al Tfe & possession, & nient donque appel *Droit*.

Pretensed Right or Title is, where one is in possession of Lands or Tenements, and another who is out claims it, and sues for it: now the *pretensed Right or Title* is said in him who so doth sue and claim. And if he afterward come to the possession, his Right or Title is annexed to the Land and possession, and not then called Right.

Primer Seisin.

Primer Seisin is used in the Common Law for a branch of the King's Prerogative, by which he hath the first possession, that is, the intire Profits for a year of all the Lands and Tenements whereof his Tenant (that held of him in capite) was seised in his Demesne as of fee, his Heir then being at full age: and this the King takes in lieu of the intire Profits which he may take, if he will, untill Liberty be sued, or at the last rendered. Prerog. Reg. c. 3. & Stat. f. 11. B. See the Stat. 12 Car. 2. c. 24.

Prisage.

Prisage is that part or portion that belongs to the King of such Merchandises as are taken at Sea by way of lawful Prise. And this word you shall find in the Statute of 31 Eliz. c. 5.

Prisage of Wines.

Prisage of Wines, mentioned in the Stat. 1 H. 8. c. 5. is a custom by which the King out of every Bark laden with wine, under forty Tun, claims to have two Tun at his own price.

Primer Seisin.

Primer Seisin est use en la Common Ley p un branch del Prerogative le Roy, p q il ad le Prim possession, cest-à-savoir, les intire Profits p un an des tous les Terres & Tenements dont son Tenant (q tenu de luy e chiefe) morust seisie e son Demesne cōe de Fee, son Heire adonq esteant d plein age: & e le Roy prist en lieu des intire Profits queux il poit pnder, sil voit, tanques Liverie soit sue, ou al meins tender. Prerog. Reg. c. 3. & Stat. f. 11. B. Veies le Stat. 12 Car. 2. c. 24.

Prisage.

Prisage est ceo part ou portion que appertene al Roy hors des tiel Merchandises queux sont prises al Mer p voy le loyal Prise. Et cest parol vous trovers en le Statute 31 Eliz. c. 5.

Prisage des Vins.

Prisage des Vins, mention e le Stat. 1 H. 8. c. 5. est u custōe p q le Roy hors chiefe Barke lade ove Vine, south 40 Tun, claime d'aver deux Tun a son prise demesne.

*Privie ou Privities.**Privie or Privities.*

PPrivie ou Privities est, lou un Lease est fait a tener a volunt, pur ans, pur vie, ou un Feoffment en fee, & en divers autres cases; ore p cause d ceo q ad passe penter ceux parties, ils sont appellus Privies, en respect de strangers, penter queux nul tiel Conveyances ad estre.

Auxy si soit Seignior & Tenant, & le Tenant tient del Seignior p certaine Service, il y ad un Privie perenter eux, p cause d Tenure: & si le Tenant soit disseisie p un estranger, il ad nul Privie perenter le Disseisor & le Seignior, mes le Privie uncore demurt perenter le Seignior & le Tenant q est disseisie, & le Seignior avowrer sur luy, p ceo q il est son Tenant d droit, & e le judgement del Ley.

Privies sont e divers sorts; come nosmement, Privies en Estate, Privies en Fait, Privies en Ley, Privies d Droit, & Privies en Sanke.

Privies en Estate est, lou un Lease est fait del Mannor de Dale al A p vie, le Remaind al B en fee; la & A & B sont Privies en Estate, car lour Estates fuef fait ambideux al un temps.

Et issint est e le prim case cy, ou un Lease est fait al volunt, pur vie, ou ans, ou un

PPrivie or Privities is, where a Lease is made to hold at will, for years, for life, or a Feoffment in fee, and in divers other cases; now because of this that hath passed between these parties, they are called Privies, in respect of strangers, between whom no such Conveyances have been.

Also if there be Lord and Tenant, and the Tenant holds of the Lord by certain Service, there is a Privy between them, because of the Tenure: and if the Tenant be disseised by a stranger, there is no Privy between the Disseisor and the Lord, but the Privy still remains between the Lord and the Tenant that is disseised, and the Lord shall abow upon him, for that he is his Tenant in right, and in judgement of the Law.

Privies are in divers sorts; as namely, Privies in Estate, Privies in Deed, Privies in Law, Privies in Right, and Privies in Bloud.

Privies in Estate is, where a Lease is made of the Mannor of Dale to A for life, the Remainder to B in fee; there both A and B are Privies in Estate, for their Estates were both made at one time.

And so it is in the first case here, where a Lease is made at will, for life, or years, or a Feoff

feoffment in fee, the **Leffees** or **feoffees** are called **Privies** in **Estate**, and so are their **Heirs**, &c.

Privies in Deed is, where a **Lease** is made for **life**, and afterwards by another **Deed** the **Reversion** is granted to a **stranger** in **fee**; this **Grantee** of the **Reversion** is called **Privy in Deed**, because he hath the **Reversion** by **Deed**.

Privy in Law is, where there is **Lord** and **Tenant**, the **Tenant** leases the **Tenancy** for **life**, and dies without **Heir**, and the **Reversion** escheats to the **Lord**; he is said **Privy in Law**, because he hath his **Estate** onely by the **Law**, that is to say, by **Escheat**.

Privy in Right is, where one possessed of a **term** for **years** grants his **Estate** to another upon **Condition**, and makes his **Executors**, and dies; now these **Executors** are **Privies in right**; for if the **Condition** be broken, and they enter into the **Land**, they have it in the **right** of their **Testator**, and to his use.

Privie of Bloud is the **Heir** of the **feoffor** or **Donor**, &c.

Also if a **Fine** be levied, the **Heirs** of them that levied the **fine** are called **Privies**.

Privileges.

Privileges are **Liberties** and **franchises** granted to an **Office**, **Place**, **Town**, or **Manor**; by the **King's** great **Charter**, **Letters Patents**, or Act of

Feoffment en fee, les **Leffees** ou **Feoffees** sont appels **Privies en Estate**, & ainsi sont leur **Heirs**, &c.

Privies en Fait est, lou un **Lease** est fait pur **vie**, & après un autre **Fait** le **Reversion** est grant al un **stranger** en **fee**; cest **Grantee** del **Reversion** est appel **Privie en Fait**, pur ceo que il ad le **Reversion** par **Fait**.

Privie en Ley est, lou il est **Seignr** & **Tenant**, le **Tenant** lessa le **Tenancie** par **vie**, & mourust sans **Heir**, & le **Reversion** escheate al **Seignr**; il est dit **Privie en Ley**, par ceo qu'il ad son **Estate** solenit per le **Ley**, cest adire, per **Escheat**.

Privie en Droit est, lou un possesse d'un **terme** pur **ans** granta son **Estate** al un autre sur **Condition**, & fait ses **Executors**, & mourust; ore ceux **Executors** sont **Privies en droit**; car si le **Condition** soit enfreint, & ils entrent en le **Tfe**, ils averont ceo en le **droit** de leur **Testator**, & a son use.

Privie de Sanke est l'**Heir** de le **feoffor** ou **Donor**, &c.

Item si un **Fine** soit levie, les **Heires** de celui que levie le **Fine** sont appel **Privies**.

Privileges.

Privileges sont **Liberties** & **franchises** grant al un **Office**, **Lieu**, **Ville**, ou **Manor**, per le grand **Chart** del **Roy**, **Letters Parents**, ou **Act** de **Par-**

Parliament : come Toll, Sake, Socke, Infangtheefe, Outfangtheefe, Tourne, Ordelfe, & divers tielx semblables; p̄ qux veies en leur p̄per Titles & lieux.

Parliament : as Toll, Sake, Socke, Infangtheef, Outfangtheef, Tourne, Ordelfe, and divers such like; for which look in their proper Titles and places.

Procedendo.

Procedendo.

Procedendo est un Brief que gist lou ascun Action est sue en un Court, que est remove a un pluis hault, cōe al Chancerie, Banke le Roy, ou Common Banke, per B̄re de Privilege ou Certiorari : & si le Defendant, sur le matter monstre, nad cause de Privilege, ou si le matter en le Bill sur q̄ le Certiorari issuist ne soit bien prove, donques le Plaintiff avera cest *Procedendo*, pur remaunder le matter al primer base Court, la destre determine.

Procedendo is a Writ that lies where any Action is sued in one Court, which is removed to another more high, as to the Chancery, King's Bench, or Common Place, by a Writ of Privilege or Certiorari : and if the Defendant, upon the matter shewed, have no cause of Privilege, or if the matter in the Bill whereupon the Certiorari issued be not well proved, then the Plaintiff shall have this *Procedendo*, to send again the matter unto the first base Court, there to be determined.

Proces.

Proces.

Proces sont les Briefes & Precepts que issuent sur l'Original. Er en Actions real & personal sont divers sorts de Proces : Car en Actions real le Proces est *Grand Cape* devant Appearance : Ideo vide de ceo en le Title *Petit Cape*.

Proces are the Writs and Precepts that go forth upon the Original. And in Actions real and personal there are sundry sorts of Proces : For in Actions real the Proces is *Grand Cape* before Appearance : Therefore see of that in the Title *Petit Cape*.

Mes en Actions personal, come en Dette, Trespasse, ou Detinue, le Proces est un *Distresse* : & si le Vise retourne *Nihil habet in Balliva*, &c. donq̄s le Proces est *Alias capias*, & *Pluries*, & *ū Exigent*; & ils

But in Actions personal, as in Debt, Trespasse, or Detinue, the Proces is a *Distresse* : and if the Sheriff return *Nihil habet in Balliva*, &c. then the Proces is *Alias capias*, and *Pluries*, and an *Exigent*; and they are

are called *Capias ad respondendum*. Also the Exigent shall be proclaimed five times; and if the party do not appear, he shall be outlawed. But in divers Tractions there are divers manners of Proces, which at large is declared in N.B.

And there are divers other Proces after Appearance, when the parties are at issue, to make the Enquest appear: as a Writ of *Venire facias*; and if they do not appear at the day, then a Writ of *Habeas corpora Jurat*, and after a Writ of *Distringas Jurat*.

Also there are divers other Proces after Judgment; as *Capias ad satisfaciendum*, and *Capias utlagatum*, &c.

Capias ad satisfaciendum lies where a man is condemned in any Debt or Dammage, then he shall be arrested by this Writ, and put in prison without bail or mainprise, till he hath paid the Debt and the Damages.

Capias utlagatum lies where one is outlawed, then he shall be taken by this Writ, and put in prison without bail or mainprise, for that he had the Law in contempt.

And there are other Proces and Writs judicial, as *Capias ad valentiam*, *Fieri facias*, *Scire facias*, and many other: and therefore look for them in their Titles.

sont appellees *Capias ad respondendum*. Auxy le Exigent serra cinque foits pclaime; & si le partie n'appeare, il serra urlage. Mes en divers Actions sont divers manners de Proces, q est plus alarge declare en N. B.

Auxy sont divers auters Proces apres Appearance, quant les pries sont al issue, par faire l'Enquest appearer: come un *Venire facias*; & s'ils ne appearont al jour, donques un Brieve de *Habeas corpora Jurat*, & apres un Brief de *Distringas Jurat*.

Auxy sont divers auters Proces apres Judgement; come *Capias ad satisfaciendum*, & *Capias utlagatum*, &c.

Capias ad satisfaciendum gist lou home est condemne en ascun Det ou Dammages, donques il serra arrest per cest Brief, & mis en prison sans baile ou mainprise, ranque il ad pay le Det & les Dammages.

Capias utlagatum gist lou un est utlage, donques il serra prise per tiel Brief, & mis en prison sans baile ou mainprise, pur ceo que il ad fait contempt encounter le Ley.

Aux sont auters Proces & Briefs judiciales, come *Capias ad valentiam*, *Fieri facias*, *Scire facias*, & plusors aufs: & ideo vide c' e leur Ticles.

Prochein amy.

Next friend.

Prochein amy est communement prise pur Gardian en Socage, & est lou un home seisie de Terres tenus en Socage morust, son issue deins age de 14.ans, donques le prochein d' sank, a que les Terfs ne poient discender, a vera le gard del Heire, & del Terre, al use solemnt del Heire, tanque il vient al age d' 14. anns; & donques le Heire poit enter, & luy ouste, & amefner luy de accompler: Mes en cest Accompt il a vera allowance p' tous reasonable costs & expences bestowed ou sur le Heire ou son Terre.

Le prochein amy, ou prochein de sanke, a que le Inheritance ne poit discend, est issint destre entende: Si les Terres discende al Heir de son Pere, ou ascun del sanke del part son Pere, donques l' Mere, ou auf del part l' Mere, sont appellee pcheine d' sanke, a q' le Inheritance ne poit discender; car devant que il issint discendra, il pluis tost escheatef al Sñr d' q' il est ten.

Et lou les Terres vient al Heire de sa Mere, ou ascun del sa parr, donque le Pere, ou auter del part son Pere, sont appellee le prochein de sanke, a que le Inheritance ne poit discend, mes pluis tost escheatef al Sñr de q' il est tenus.

NExt friend is commonly taken for Gardian in Socage, and is where a man seised of Land holden in Socage dies, his issue within age of 14. years, then the next friend, or next of kin, to whom the Lands cannot discend, shall have the keeping of the Heir, and of the Land, to the onely use of the Heir, untill he come to the age of 14. yeares; and then he may enter, and put the Gardian out, and bring him to accompt: But in that Accompt he shall be allowed for all reasonable costs and expences bestowed either upon the Heir or his Land.

The next friend, or next of kin, to whom the Inheritance cannot discend, is thus to be understood: If the Lands discend to the Heir from his Father, or any of the kin of his Father's side, then the Mother, or other of the Mother's side, are called the next of kin, to whom the Inheritance cannot discend; for before it shall so discend, it shall rather escheat to the Lord of whom it is holden.

And where the Lands come to the Heir from his Mother, or any of her side, then the Father, or other of the Father's side, are called the next of kin, to whom the Inheritance cannot discend, but shall rather escheat to the Lord of whom it is holden.

Other=

Otherwise Prochein amy is he who appears in any Court for an Infant who sues any Action, and aides the Infant to pursue his Suit: whereof see the Statutes of Westm. 1. cap. 47. and Westm. 2. cap. 15. that an Infant may not make an Atturney, but the Court may admit the next friend for the Plaintiff, and a Guardian for the Infant Defendant as his Atturney.

Proclamation.

Proclamation is Notice publicly given of any thing whereof the King thinks good to advertise his Subjects: so it is used Anno 7 R. 2. cap. 6.

Proclamation of Rebellion is an open notice given by an Officer, that a man not appearing upon a Subpcena or Attachment in the Chancery, shall be reputed a Rebelle, except he render himself at the day assigned. *Crompt. Jurisd.* fol. 92.

And it is to be noted, that no man may make Proclamation but by authority of the King, or Maiors, and such like as have privileges in Cities and Boroughs so to doe, or have it by custome. And therefore where an Executor made Proclamations in certain Market-towns, that the Creditors should come by a certain day, and claim and prove their debts due by the Testator, and because he

Autrement Prochein amy est celuy que appiert en aucun Court pur un Enfant que sue aucun Action, & que ayde le Enfant de poursuivre son Suit: dont vide les Statutes de Westm. 1. c. 47. & Westm. 2. cap. 15. que un Enfant ne poit faire Attourney, mes le Court poit admettre le prochein amy pur le Plaintife, & un Gardian pur le Enfant Defendât cōe son Attorney.

Proclamation.

Proclamation est ū Notice apertement done de aucun chose da que le Roy soy pleirot d'advertiser ses Subjects: issint il est use *An. 7 R. 2. c. 6.*

Proclamation de Rebellion est ū overt notice done p l'Officer, que un home nient appearing sur ū Subpcena ou Attachment en le Chancery, serra reputé destre un Rebelle, sinon q il luy mesme render al jour assigne. *Crompt. Jurisd.* fol. 92.

Et est destre observe, que nul poit faire Proclamation mes p authoritie del Roy, ou Maiors, & hujusmodi que ont privileges en Cities & Boroughs de ceo faire, ou ont ceo use per custome. Et pur ce' ou un Executor fist Proclamations en certain Market-villes, q les Creditors veigne-ra p certain jour, & claim & provera lour detts due per le Testatour, & pur ceo que il
ceo

ceo fist sans authority, il
suint commit al Fleet, & mise
a un Fine. Brook, Proclama-
tion 10.

did this without authority, he
was committed to the Fleet,
and fined. Brook, Proclama-
tion 10.

Procurator.

Procurator est use p. luy
q collige les Fruits de un
Benefice p un autre home.
Anno 3. Ric. 2. Stat 1. ca. 2.

Procurator.

Procurator is used for him who
gathers the Fruits of a
Benefice for another man.
Anno 3. Ric. 2. Stat. 1. cap. 2.

Prohibition.

Prohibition est un Briefe q
gist lou home est emplede
en Court Christian de chose
que ne touch Matrimoine, ne
Testament, ne merceint Dismes,
mes l' Corosi noster Seignior
le Roy. Cest Brief serra di-
rect auxy bien al partie, come
al Judge, ou son Official, de
eux prohibite q ils ne pur-
sue ouster. Mes si il appare
apres a les Judges temporal,
que le mattr est destre deter-
mine en l' Spiritual Court, &
nemy en le Court Temporal,
donque le party avec un Bre
de Consultation, comman-
dant les Judges de le Court
Spiritual de proceder en la
primer Plee.

Prohibition.

Prohibition is a Writ that
lies where a man is implea-
ded in the Spiritual Court of
a thing that touches not Ma-
trimony, nor Testament, nor
merely Tithes, but the King's
Crown. This writ shall be
directed as well to the party, as
to the Judge, or his Official,
to prohibit them that they pur-
sue no farther. But if it ap-
pear afterward to the Judges
temporal, that the matter is
fit to be determined in the Spi-
ritual Court, and not in the
Court temporal, then the party
shall have a Writ of Consultati-
on, commanding the Judges
of the Court Spiritual to pro-
ceed in the first Plea.

Propertie.

Proptie est le plus alt
Droit q hōe ad ou poit a-
ver al asc' chose, q riens de-
pend sur le courtesie dasc' au-
ter home: Et ceo nulluy
en cest Realm poit estre dit

Propertie.

Proptie is the highest Right
that a man hath or can have
to any thing, which no way de-
pends upon another man's
courtesie: And this none in
this Kingdome can be said

to have in any Lands or Tene-
ments, but onely the King in
right of his Crown, because all
the Lands through the Realm
are in nature of Fee, and hold
mediately or immediately of
the Crown. This word never-
theless is used for such right in
Lands and Tenelements as
common persons have in the
same. And there are three man-
ner of rights of Property; that
is, Property absolute, Property
qualified, and Property possessory:
Of which see at large Cok. lib. 7.
Case de Swans, fol. 17.

daver en aucun Terres ou Te-
nements, forsq̄ solemt le Roy é
le droit de son Corone, pur
ceo que tous les Terres p̄ le
Realm sont en le nature de
Fee, & tiendront mediaremt
ou immediaremt del Coroni.
Cest parol nient obstant est
use pur tiel droit é Terres &
Tenements q̄ comun p̄sons ont
en m̄. Et la sont trois man-
ners d̄ droits d̄ Prop̄ty; cest-
ascavoir, *Property absolute*;
Property qualified, & *Property*
possessory: De q̄x veies alarge
Cok. l. 7. Case de Swans, f. 17.

Proprietary.

Proprietarie.

Proprietarie is he that hath a
Property in any thing: but it
is most commonly used for him
who hath the Profits of a Be-
nefice to him and his Heirs, or
to himself and his Successors,
as in times past Abbots and
Priors had.

Proprietarie est celui q̄ ad
ū Prop̄tie ē asc' chose:
mes il est plus comunement
use pur luy que ad les Profits
dun Benefice a luy & ses
Heires, ou a luy m̄ & ses Suc-
cessors, cōc en tēps par dev̄t
Abbots & Priors avoient.

Protection.

Protection.

Protection is a Writ that lies
where a man will passe over
the sea in the King's service,
then he shall have this Writ.
Whereby he shall be quit of all
manner of Pleas between him
and any other person, except
Pleas of Dower, Quare impedit,
Assise of Novel disseisin, Dar-
rein presentment, and Attaints,
and Pleas before Justices
in Eyre. But there are two
kinds of Protection, one cum

Protection est un Brief q̄
gist lou home voit passer
ouster le mer in le service le
Roy, donq̄s il avera cest Bfe;
& p̄ cest Bfe il serra quite de
touts manner des Plees enter
luy & aucun autre p̄son, ex-
cept Plees de Dower, *Quare*
impedit, *Assise de Novel dissei-*
sin, *ultima presentationis*, &
Attaints, & Plees devant Ju-
stices en Eyre. Mes sont deux
Briefs de Protection, un cum

clausula Volumus, & l'auter
cum clausula Nolumus; cōe ap-
piert en le Register.

Mes Protection ne serra
allow en aucun Plee com-
mence devant le date de ceo,
si ne soit en Voyages ou le
Roy mesme passa, ou auters
Voyages royaux, ou en Mes-
sages le Roy pur besoignes de
Realm. Protection ne serra
allow pur Vitailles achates
pur le voyage dont le Prote-
ction fait mention, ne in
Plees de Trespasse, ou de
Contracts fait puis le date de
mesme le Protection.

Nota, que aucun poit at-
tacher ou commencer aucun
Actiō real vers cestuy q. ayt
riel Protection, & en ceo pro-
ceder, tanque le Defendant
veigne & monstre son Prote-
ction en le Court, & ayt ceo
allow, & donque son Plee ou
Suit serra mis sans jour. Mes
si apres il appiert que le party
que ad le Protection ne ala
entour le besoigne pur que il
ayt ceo, donqs le Demandant
aïer un Repeale de ceo. Et si
va, & retourne apres le be-
soigne finie, le Demandāt a-
vera un Resummons de re-
continue le former Suit.

Protestation.

Protestation est un form d'
Pleading, qnt asc' ne voit
directmēt affirmer, ne direct-
ment denier asc' chose q' est
alledge p'auter, ou que il m

clausula Volumus, and another
cum clausula Nolumus, as appears
in the Register.

But a Protection shall not be
allowed in any Plea begun be-
fore the date of it, if it be not
in Voyages where the King
himself shall passe, or other Voi-
ages royal, or in Messages of
the King for affairs of the
Realm. Nor shall a Protection
be allowed for Victual bought
for the voyage whereof the Pro-
tection makes mention, nor in
Pleas of Trespasse, or of Con-
tracts made after the date of the
Protection.

Note, that any may attach
or begin any Action real against
him that hath such Protection,
and therein proceed, untill the
Defendant comes and shew
his Protection in the Court,
and hath it allowed; and then
his Plea or Suit shall go with-
out day. But if after it appears
that the party who hath the
Protection goes not about the
affairs for which he hath it,
then the Demandant shall have
a Repeal thereof. And if he go
and return after the business
ended, the Demandant shall
have a Resummons to recon-
nue the former Suit.

Protestation.

Protestation is a form of
Pleading, when any will
not directly affirm, nor directly
deny any thing that is alledged
by another, or which he himself
alleges.

alleges. And it is in two sorts. One is, when one pleads any thing which he dare not directly affirm, or cannot plead for want to make his Plea double: Is if in conveying to himself a Title to any Land, he ought to plead divers Descents by divers persons, and he dare not affirm that all they were seised at the time of their death, or although he could do it, it shall be double to plead two Descents; of both which each by it self may be a good Bar. Then the Defendant ought to plead and allege the matter, interlacing this word *protestando*, as to say, that such a one died (by Protestation) seised, &c. And that is to be alledged by Protestation, and not to be traversed by the other. Another Protestation is, when one is to answer to two matters, and yet by the Law he ought to plead but to one; then in the first part of the Plea he shall say to the one matter, *protestando*, and non cognoscendo this matter to be true, and make his Plea farther by these words, *Sed pro placito dicit*, &c. And this is for saving to the party (that so pleads by Protestation) the being concluded by any matter alledged or objected against him, upon which he cannot joyn issue; and is no other but an exclusion of the Conclusion; for he that takes the Protestation excludes the other party to conclude him, and this Protestation ought

alledge. Et est en deux man- ners. L' un est, qñt un pleade ascun chose que il ne oñst di- rectment affirmer, ou ne poit pleader pur doubt de fair son Plee double. Cōe si en con- veying a luy Title a ascun Terre, il doit pleader divers Descents p divers pñors, & il ne oñst affirmer que eux tous fueront seises al tēps de leur mort, ou coiment il ceo pur- roit, ceo serrā double a plead deux Descents; de queux am- bideux chescun per luy poit estre bone Barre. Denqs le Defendant doit pleader & al- ledger le matter, enterlacing cest parol *protestando*, come adire, que tiel obiit (*prote- stando*) seisie, &c. Et ceo est destř alledge p Protestation, & nemy traversable p l'auter. Auf Protestatiō est, qñt ũ est de responder al deux choses, & tamen per le Ley il doit pleade fors q al ũ; donqs en le primer pt del Plee il dirra al un matter, *protestando*, & non cognoscendo cel matter estř voyer, & faire son Plee ouster p ceux parols, *Sed pro placi- to dicit*, &c. Et ceo est pur salvation al partie (que issint pleade p Protestation) destre conclude p asc' matř alledge ou object encounter luy, sur que il ne poit joynēr issue; & nest auter chose mes un ex- clusion dēl Conclusion; car il que prist le Protestation exclude lauf prie de cōcluder luy. Et cest Protestation doit

estoyer ove le sequel del
Plec, & nemy desir repugnāt,
ou autrement contrarie.

to stand with the sequel of the
Plea, and not to be repugnant,
or otherwise contrary.

Provision.

Provision.

Provision est use ovesque
nous com̄ est ē le Canon
Ley, pur le provider dun E-
vesq̄ ou auter Ecclesiasticall
person d'un Ecclesiastical Be-
nefice p le Pape devāt q̄ l'In-
cumbent de ceo soit mort; le
grād abuse d̄ q̄ appiert p plu-
seurs Statutes q̄ ont este faits
en tous ages del temps E. 3.
ranque le reigne de H. 8. p le
avoi d̄ des tiels Provisions.

Provision is used with us as it
is in the Canon Law, for
the providing of a Bishop or o-
ther Ecclesiastical person of
an Ecclesiastical Living by the
Pope before the Incumbent of
it be dead; the great abuse
whereof appears by severall
Statutes that have been made
from the time of E. 3. to the reign
of H. 8. for the avoiding of such
Provisions.

Proviso.

Proviso.

Proviso est un Condition
ensert en asc' Fait, sur le
pformance de que tout le vi-
gour del Fait consista. Ascun
fois il solemt̄ est ū Covenāt,
de que veies *Cok. lib. 2.* en le
Snr Cromwell's Case. Il ad
auxy ū aut̄ significatiō ē cho-
ses judiciaill: cōe si le Plain-
tife ou Demandant delaya de
psecuter un Action, & ne ceo
port al Trial, donq̄ le Defen-
dant ou Tenant poit prendre
hors le *Venire facias* al Vis-
count, que ad en ceo ceux pa-
rols, *Proviso quod, &c.* a cest
fine, que si le Plaintiff prist
hors asc' Bfe a cel purpose, le
Viscount ne garrera forsque
un Jurie sur eux ambideux.
Veies *Veil Nat. Br.* en le Bfe
Nisi prius, fol. 159.

Proviso is a Condition insert-
ed into any Deed, upon the
performance whereof the vali-
dity of the Deed consists. Som-
times it is onely a Covenant,
whereof see *Cok. lib. 2.* in the
Lord Cromwell's Case. It hath
also another signification in
matters judicial: as if the
Plaintiff or Demandant desists
from prosecuting an Action, and
brings it not to Trial, then the
Defendant or Tenant may
take forth the *Venire facias* to the
Sherif, which hath in it these
words, *Proviso quod, &c.* to this
end, that if the Plaintiff takes
out any writ to this purpose,
the Sherif shall summon but
one Jury upon them both. See
Old Natura Brevium in the same
Nisi prius, fol. 159.

Provisors.

Provisors.

Provisors. See Præmunire.

Purchase.

Purchase is the Possession that a man hath in Lands or Tenements by his own act, means, or agreement, and not by title of Discent from any of his ancestors. See Littl. l. i. c. i.

Purlue.

Purlue is all that Ground near any Forrest, which being made Forrest by Henry the second, Richard the first, or King John, was by Perambulations granted by Henry the third secured again from the same. Manwood part 2. of his Forrest Laws, c. 20. And it seems that this word is composed either of poulle, that is, to go or walk about; or purlieu, that is, a pure place, because such Lands as were by those Kings subjected to the Laws and Ordinances of the Forrest, are now cleared and freed from the same: As the Civilians call that a pure place, which is not subject unto Burials; so likewise this may be called a pure place, because it is exempted from the servitude and thralldom which was formerly laid upon it.

Purlue man is he that hath Lands within the Purlieu, and

Provisors.

Provisors. Veies Præmunire.

Purchase.

Purchase est le Possession q̄ ū hōe ad en T̄res ou Tenements p̄ son act demesne, meanes, ou agreeemt, & nemy p̄ title de Discent d'asc̄ d̄ ses ancestors. Veies Littl. l. i. c. i.

Purlue.

Purlue est tout cest Terre p̄chein ascun Forrest, q̄ esteant fait Forrest p̄ Henry le second, Richard le primer, ou Jean le Roy, fust p̄ Perambulations grantus p̄ Henry le tierce sevef aref del mesm. Manwood part 2. de ses Forrest Leyes, c. 20. Et semble q̄ cest parol est fait ou de poulle, ceo est, perambulare, ou purlieu, ceo est, purus locus, pur ceo q̄ tiels T̄res queux fueront p̄ ceux Roys subject al Leys & Ordinances del Forrest, sont jammes clere & franke del mesme: Come les Civilians appel ceo *parum locum, qui sepulchrorum religioni non est obstrictus*; en mesm le maner ceo puit est̄ appel purlieu, p̄ ceo q̄ est exempt del servitude ou thralldome q̄ fust par devant sur ceo impose.

Purlue home est cestuy que ad T̄res deins le Purlieu, & eant

esteant able a dispend 40
soulz per l'an de Frankrene-
ment, est sur ceux deux cho-
les licence de chaser en son
Purlieu demesne. *Manwood,*
part 1. p. 151. & 177. Veies
le Statute 1 *Jac. c. 27.*

being able to dispend forty bil-
lings by the year of freehold,
is upon these two points licen-
sed to hunt in his own Pur-
lieu. *Manwood, part 1. p. 151.*
& 177. See now the Stat. made
1 *Jac. c. 27.*

Purpresture.

Purpresture est un parol de-
rive de *Francois Pourpris*,
q signifie de prendre del aut,
& p appropriat a luy mesme :
& p ceo un Purpresture e un
general sense est prise p asc^t
riel tort fait per un home al
auter.

Purpresture en un Forrest
est chescun Encroachment sur
le Forrest le Roy, soit ceo per
Edifier, Inclofer, ou p user d'
ascun libertie ou privilege
sans un loyal garrant istint
faire. Et de ceo veies *Man-*
wood For. Lays, c. 10. f. 74. d.

Purprestare.

Purpresture is a word deribed
from the French *Pourpris*,
which signifies to take from
another, and to appropriate to
himself : and therefore a *Pur-*
presture in a general sense is
taken for any such wrong done
by one man to another.

Purpresture in a Forrest is
every Incroachment upon the
King's Forrest, be it by Build-
ing, Inclosing, or using of any
liberty without a lawful war-
rant so to doe. And of this se
Manwood in his Forrest Laws, c. 10.
f. 74. d.

Q

Quadrantata terra.

Quadrantata terra
est le quatre part
d'un Acre.

Quæ plura.

Quæ plura est un Brief
que gist en case lou le
Escheator ad trove un Office
virtute officii apres le mort
le Tenant le Roy, & nad

Q

Quadrantata terra.

Quadrantata terra is the
fourth part of an
Acre.

Quæ plura.

Quæ plura is a writ that lies
in case where the Escheator
hath found an Office after the
death of the King's Tenant
virtute officii, and hath not
found

found all the Lands of which he was seised; then this Writ shall issue in nature of a *Meius inquirendo*, to find what Lands he had more. See F.N.B. f. 255. a.

trove tous les T^{res} des queux il morust seisie; adonques cest B^{re}c issira e nature d'un *Meius inquirendo*, p^r trover quex T^{res} il avoit plusors. Veies F.N.B.f. 255.a.

Quale jus.

Quale jus is a Writ that lies where an Abbot, Prior, or such other, should have Judgment to recover Land by Default of the Tenant against whom the Land is demanded; then before Judgment given, or Execution awarded, this Writ shall go forth to the Escheator, to enquire what right he hath to recover: And if it be found that he hath not right, then the Lord who should have the Land if the Tenant had aliened in Mortmain may enter as into Land aliened in Mortmain, for this losing by Default is like an Alienation. See the Stat. Westm. 2. c. 32.

But wherz one will give Lands to a House of Religion, an *Ad quod damnum* shall go forth to the Escheator, to enquire of what value the Land is, and what prejudice it shall be to the King.

Quare ejecit infra terminum.

Quare ejecit infra terminum is a Writ that lies where one makes a Lease to another for term of years, and the Lessor

Quale jus.

Quale jus est un Brief q^u gist lou ascun Abbot, Prior, ou tiels auters, averont Judgement de recover T^{re}c p^r le Default del Tenant vers q^u le Terre est demande; donq^{ue} devant Judgement done, ou Execution agard, cest B^{re}c issira al Escheator, p^r enquirer quel droit il ad a recover: Et si soit trove q^u il nad droit, donques le Seignior q^u duist aver le Terre si le Tenant ust alien en Mortmain poit enter come en Terre alien en Mortmaine, car cel perdre p^r Default est semble a un Alienation. Vide le Statute de Westm. 2. c. 2.

Mes lou un voile doner Terres al Meason de Religion, un *Ad quod damnum* issira al Escheator, pur enquirer de que value le Terre est, & quel prejudice il serra al Roy.

Quare ejecit infra terminum.

Quare ejecit infra terminum est un B^{re}c que gist lou un fait Lease a un autre pur terme d'ans, & le Lessor

enfeoffa un auter, & le Feoffee ousta le Termour; donques le Termour avera cest Brief vers le Feoffee. Mes si un auter estranger ouste le Termour, donques il avera Brief *De ejectione firme* vers luy. Et en ceux deux Břes il recouvrera le terme & ses damages.

infeoffs another, and the Feoffee puts out the Termour; then the Termour shall have this Writ against the Feoffee. But if another stranger put out the Termour, then he shall have a Writ *De ejectione firme* against him. And in these two Writs he shall recover the term and his damages.

Quare impedit.

Quare impedit.

Q*uare impedit* est un Bře que gist lou jeo ay Advowson, & le Parson devie, & un auter presenta son Clerke, ou disturbe de presenter; donqs jeo avera le dit Brief. Mes *Affise de darreine presentment* gist lou jeo ou mon ancestors ount present devant. Et lou home poit aver *Affise de darreine presentment*, il poit aver un *Quare impedit*, mes nemy contrarie.

Q*uare impedit* is a Writ that lies where I have an Advowson, and the Parson dies, and another presents a Clerk, or disturbs me to present; then I shall have the said Writ. But *Affise de darreine presentment* lies where I or my ancestors have presented before. And where a man may have an *Affise de darreine presentment*, he may have a *Quare impedit*, but not contrariwise.

Auxy si le Plee soit dependant enter deux parties, & ne soit discusse deins sixe moys, l'Evesque presentera p laps; & cestuy que ad droit de presenter recouvrera damages, come appiert per le Statute de *Westm. 2. c. 5.* Et si cestuy que ad droit de presenter aps le mort del Parson ne porta *Quare impedit*, ne *Darreine presentment*, mes suffer un estranger d' usurper sur luy, uncore il avera un Brief de Droit d' Advowson. Mes cest Brief ne gist si il ne clame d' aver l' Advowson a luy & ses heires en Fee.

Also if the Plea be depending between two parties, and be not discussed within six months, the Bishop may present by Lapsle, and he that hath right to present shall recover his damages, as appears by the Statute of *Westm. 2. c. 5.* And if he that hath right to present after the death of the Parson brings no *Quare impedit*, nor *Darreine presentment*, but suffers a stranger to usurp upon him, yet he shall have a Writ of right of Advowson: But this Writ lies not, unless he claim to have the Advowson to him and his heirs in Fee.

Quare

Quare incumbavit.

Quare incumbavit is a Writ that lies where two are in Plea for the Advowson, and the Bishop admits the Clerk of one of them within the six moneths; then he shall have this Writ against the Bishop. But this Writ lies always depending the Plea,

Quare intrusit Matrimonio non satisfacto.

Quare intrusit Matrimonio non satisfacto is a Writ that lies where the Lord proffers convenient Marriage to his Ward, and he refuses, and enters into the Land, and marries himself to another; then the Lord shall have this Writ against him.

Quare non admisit.

Quare non admisit is a Writ that lies where a man hath recovered an Advowson, and sends his convenient Clerk to the Bishop to be admitted, and the Bishop will not receive him; then he shall have the said Writ against the Bishop. But a Writ of Ne admittas lies where two are in Plea; if the Plaintiff suppose the Bishop will admit the Clerk of the Defendant, then he may have this Writ to the Bishop, commanding him

Quare incumbavit.

Quare incumbavit est un Brief que gist lou deux sont en Plee pur l' Advowson, & l' Evesque admit le Clerke d'un d'eux deins le sixe moys; donques il avera ceo Bfe vers l'Evesque. Mes ceo Brief gist tous foits pendant le Plee.

Quare intrusit Matrimonio non satisfacto.

Quare intrusit Matrimonio non satisfacto est un Brief que gist lou le Seigneur pfera convenable Marriage a son Garde, & il refusa, & entra e le Terre, & soy marrie a un autre; donques le Seigneur avera cest Brief vers luy.

Quare non admisit.

Quare non admisit est un Brief que gist lou home ad recover un Advowson, & il manda son convenable Clerke al Evesque pur admit, & l' Evesque ne voile luy receiver; donques il avera le dit Brief vers l'Evesque. Mes Brief de Ne admittas gist lou deux sont en Plee; si le Plaintife suppose que l' Evesque voit admit le Clerke le Defendant; donques il poit aver cest Bfe al Evesque, luy commandant que

que il ne luy admitte pend-
ant le Plee.

not to admit him hanging the
Plea.

Quarels.

Quarels est derive a *Que-
rendo*; & extend non
solemēt al Actions cybien real
come personal, mes auxy al
Causes de Actions & Suits:
issint que p Release de tous
Quarels, non solumēt Acti-
ons dependant en Suit, mes
Causes d'Action & Suit auxy
sont release: & Quarels,
Controversies & Debates sōt
Synonyma, & d'un mesme
signification. *Coke, lib. 8.
fol. 153.*

Quarels.

Quarels is derived from *Que-
rendo*, and extends not onely
to Actions as well real as
personal, but also to the Causes
of Actions and Suits: so that
by the Release of all Quarels,
not onely Actions depending in
Suit, but Causes of Action
and Suit also are released: and
Quarels, Controversies and
Debates, are words of one
sense, and of one and the
same signification. *Coke, lib. 8.
fol. 153.*

Quarentine.

Quarentine est, lou home
devie seisie d'un Mañor-
place, & de auters Terres,
dont sa Feme doit estre
endow, donques la feme ti-
endra se en le Mannour-
place, & la vive de le store
& profits de ceo per *quarant
jours*, deins quel temps sa
Dower serra a luy assigne:
come appiert en *Magna Char-
ta, cap. 6.*

Quarentine.

Quarentine is, where a man
dies seised of a Mannour-
place, and other Lands, where
of the Wife ought to be endow-
ed; then the woman may
abide in the Mannour-place,
and there live of the store and
profits thereof the space of forty
days, within which time her
Dower shall be assigned: as
it appears in *Magna Charta,
cap. 6.*

Quid juris clamat.

Quid juris clamat est un
Bfe q̄ gift lou jco graunt
le Reversio de mon Tenant a
terme de vie p Fine en Court
le Roy, & le Tenant ne voit
atturner; donques l'Grantee

Quid juris clamat.

Quid juris clamat is a writ
that lies where I grant
the Reversion of my Tenant
for life by fine in the King's
Court, and the Tenant will
not attorn; then the Grantee
shall

shall have this Writ to compel him. But a Writ of *Quem redditum reddit* lies where I grant by Fine a Rent charge, or another Rent which is not Rent service, which my Tenant holds of me, and the Tenant will not attorn; then the Grantee shall have this Writ. And a Writ of *Per quæ servitia* lies in like case for Rent service.

Also if I grant four divers Rents to one man, and the Tenant of the Land attourns to the Grantee by payment of a penny, or of a halfpenny, in the name of Attournment of all the Rents; this Attournment shall put him in seisin of all the Rent. But these three Writs ought to be brought against those who are Tenants at the day of the Fine levied, and against no other.

avera cest B're per luy chaser. Mes Brief de *Quem redditum reddit* gist lou jeo grant p Fine un Rent charge, ou autre Rent que nest Rent service, quel mon Tenant tient de moy, & le Tenant ne voit attornner; donques le Grantee avera cest Brief. Et B're d' *Per quæ servitia* gist en semblable case p Rent service.

Auxy si jeo graunt iv. divers Rents a un home, & le Tenant de Terre attourna al Grantee per payment de un denier, ou un maille, en nosme de Attournement de tous ceux Rents; cest Attournment luy mettera en seisin de tout cest Rent. Mes ceux trois Briefs covient estre port vers eux que sont Tenants a jour del Fine levie, & vers nul autres.

Fifteenth.

Fifteenth is a Payment granted in Parliament to the King by the Temporality, namely, the fifteenth part of their Goods: And it was used in ancient time to be levied upon their Cattel going in their grounds, which thing was very troublesome; and therefore now for the most part that way is altered, and they use to levie the same by the Yard or Acre, or other measure of Land; by means whereof it is now less troublesome and more certain then before, and every Town

Quinzisme.

Quinzisme est un Payment grant e Parliament al Roy p les Layes gents, cestascavoir, l' *quinzisme* part de leur Biens: Et fuit use en ancient temps destre levie sur leur avers esteaunts en leur fres, que chose fuit mult troublesome; & p ceo a ore pur le plus part cest voy est alter, & ils use de levie e' p le Verge ou Acre, ou autre mesure de Terre; per reason de que il est a ore meins troublesome & plus certain q' devant, & chesc' Ville &

& Pays scient qⁱl somme est destre pay perenter eux, & coment ceo serra raise. Nous legemous que *Moses* fuit le primer que number le people, car il number les *Israelites*; & pur c' le psimer Tax, Subsidie, Tribute; ou Quinzisme, fuit invent per luy enter les *Hebrews*, come *Polydore Virgil* suppose.

and Country know what sum is to be paid among them, and how the same shall be raised. We reade that *Moses* was the first that numbred the people, for he numbred the *Israelites*; and the first Tax, Subsidy, Tribute, or fifteen was invented by him among the *Hebrews*, as *Polydore Virgil* thinks.

Quite claim.

Quite claim est un Release ou Acquitting de un hœe p^r aucun Action qⁱ il ad ou poit aver envers luy. *Bracton lib. 5. tract. 5. ca. 9. nu. 9.*

Quite claim.

Quite claim is a Release or Acquitting of a man for any Action that he hath or might have against him. *Bracton lib. 5. tract. 5. ca. 9. nu. 9.*

Quo jure.

Quo jure est un Brief qⁱ gift lou home ad ewe Common de Pasture en auter Several deins le temps de memorie; donques celuy a qⁱ appartient l'Several avera cest Brief, a charge luy de monstrer p^r quel Title il clame le Common.

Quo jure.

Quo jure is a Writ that lies where a man hath had Common of Pasture in another's Several within the time of memory; then he to whom the Several belongs shall have this Writ, to charge him to shew by what Title he claims the Common.

Quo minus.

Quo minus est un Bre qⁱ gift lou home ad grant a un auter Housbore & Heybore en son boys, & l' Grantor fait tiel wast & destruction que l' Grantee ne poit aver sⁱ reasonable Estovers; donq^s l'Grantee avera

Quo minus.

Quo minus is a Writ that lies where a man hath granted to another Housbore and Heybore in his wood, and the Grantor makes such waste and destruction that the Grantee cannot have his reasonable Estovers; then the Grantee shall have

the aforesaid Writ, which is in nature of a Writ of Waste.

And note that Housebote is certain Estovers to mend the House; and Heybote certain Estovers to mend Heyes and Hedges.

There is another Writ called a Quo minus in the Exchequer, which any Termor or Debtor to the King shall have against any other for Debt or Trespass in the Exchequer Office called the Common Pleas, by which the Plaintiff shall surmise, that for the wrong which the Defendant doth him, he is less able to pay the King his Debt or Terme; which is surmised to give Jurisdiction to the Court of Exchequer to hear and determine the cause of the Suit between them, which otherwise should be determined in another Court.

Quo warranto.

Quo warranto is a Writ that lies where a man usurps to have any Franchise upon the King; then the King shall have this Writ, to make him come before his Justices, to shew by what Title he claims such Franchise.

Quod ei deforcat.

Quod ei deforcat is a Writ that lies where Tenant in Tail, Tenant in Dower, or Tenant for Life loses by De-

le avantdit Brief, & est en nature de Brief de Waste.

Et nota que Housebote est certain Estovers pur amender l' Meason; & Heybote est certain Estovers p amender Heyes & Hedges.

Est auter Brief appelle Quo minus en l' Exchequer, quel ascun Termour ou Dettour al Roy avera vers ascun auter pur Debt ou Trespasse en l' Exchequer Office appelle le Common Plees, pur que le Plaintiff surmittera, que pur le tort que le Defendant fait a luy, il est meynes able a payer le Roy son Debt ou Terme; quel est surmise a doner Jurisdiction al Court d' Exchequer d' oyer & rerminer la cause, del Suit enter eux, quel autrement serroit determine en auter Court.

Quo warranto.

Quo warranto est un Brief q gist lou home usurpe daver ascun Franchise sur le Roy; donques le Roy avera cest Brief, de faire luy venir devant ces Justices, pur monstre per quel Title il clame tiel Franchise.

Quod ei deforcat.

Quod ei deforcat est un Bre q gist lou Tenant en Tail, Tenant en Dower, ou Tenant a Vie perde p Default

faute en aucun Action; donqs cestuy avera cest Brief vers celuy que recouvrera, ou vers son Heire, si il entende que il avoit melior droit q̄ il q̄ recouvrera. Veies l' Stat. West. 2. c. 4.

fault in any Action; then he shall have this Writ against him that recovers, or against his Heir, if he think he hath better right then he who recovered. See the Statute West. 2. cap. 4.

Quod permittat.

Quod permittat.

Quod permittat est un Brief q̄ gist lou home est disseise d̄ son Common de Pasture, & l' Disseisor alien ou devie seisee, & son Heire entr̄; donques si le Disseisee devie, son Heire avera cest Brief.

Quod permittat is a Writ that lies where a man is disseised of his Common of Pasture, and the Disseisor alien or dies seised, and his Heir enters; then if the Disseisee die, his Heir shall have this Writ.

R

R

Ran.

Ran.

RAN significat tam apertam Rapinam, quæ negari non potest. Lamb. Arch. fo. 125.

RAN signifies so open a Spoiling of a man, that it cannot be denied. Lambert Arch. fo. 125.

Ranger.

Ranger.

Ranger venust del parol Francois Range, (id est, Ordo, vel Series) & signifie ou Officer del Forrest que est appoint se pourmener chesc' jour per le Parlieu dont il est le Ranger, pur rechafer les Feres hors ceo en le Forrest arere; de veier, oyer, & enquire des Offendours la, & de presenter leur Offences.

Ranger comes from the French word Rang, (that is, Ordo, vel Series) and signifies an Officer of the Forrest that is appointed to walk every day through the Parlieu whercof he is Ranger, to drive back the wilde Beasts into the Forrest again; to see, hear, and inquire of Offendours there, and to present their Offences.

Dr

De Manwood, cap. 20. fol. 185,

Veies Marw. cap. 20, fo. 185, &c.

Ransome.

Ransome.

Ransome signifies properly the Summe that is paid for the Redeming of one that is taken captibe in war. But it is used also for a Summe of money paid for the pardoning of some great Offence; as in the Statute of 1 H. 4. cap. 7. and in other Statutes: Fine and Ransome going together; 23 H. 8. cap. 3. and elsewhere.

Ransome signifie proprement ceo Summe que est pay pur le Redempcion dun que est prise captive. & guerre. Mes est auxy use pur un Summe des deniers paye pur le pardonner dascun grand Offence; come en l'Statute de 1 H. 4. ca. 7. & en auers Staf: Fine & Ransome alants infemble; 23 H. 8. ca. 3. & aylors.

Rape.

Rape.

RApe hath two significations: The first is when it is taken for part of a County; as Suffex is divided into six parts, which by a peculiar name are called Rapes, Camd. Britan. pag. 225. and these parts in other Countreies are called Hundreds, Tithings, Lathes, or Wapentakes.

RApe ad-deux significations: Le premier est quant il est prise pur le part del County; come Southsex est divide en sixe parts, que p un peculiar nōe sōr appel' Rapes, Camd. Britan. p. 225. & ceux parts en auers pays sont app' Hundreds, Tythings, Lathes, ou Wapenrakes.

In the other sense it is the violent Desflouring a woman against her will: and this offence is Felony, as well in the Principal as in his Aidois. See 11 H. 4. c. 13. 1 Ed. 4. c. 1. Westm. 2. c. 13. Cropt. Just. of peace, f. 43, 44.

En laut sense il est l'violēt Conusace dū feme encont' sa volunt: & cest offence est Felōie, cybiē ē l'Principal cōe ē les Accessories. V. 11. H. 4. c. 13. 1 Ed. 4. c. 1. Westm. 2. c. 13. Crompton's Just. de peace, fo. 43, 44.

Rationabili parte bonorum.

Rationabili parte bonorum.

Rationabili parte bonorum is a Recurrit that lies for the wife

Rationabili parte bonorum est ū Bñe q̄ gift p̄ ū Feme vers

vers les Executors la baron, daver le tierce part de ses biens apres Detts payes & Funerall expences discharge. Mes si cest Brief gisera al Common Ley, ou solemt per le Custome dascun Pais, est un question en nostre Livres. Veies Fitz. N. B. 122. L.

against the Executors of her Husband, to have the third part of his goods after Debts paid and funeral expences discharged. But whether this Writ lies by the Common Law, or onely by the Custome of some Countries, is a question in our Books. See F.N.B. 122.L.

Rationabilibus divisis.

Rationabilibus divisis.

R *Ationabilibus divisis* est un Brief q̄ gist lou sont deux Seigniories en divers Villes, & un pres de auter, & ascun parcel de un Sūrie, ou de Wast, ad este encroche p petits parcells; donques celuy Seignior de que le parcel de Terre ou le Wast ad este encroche avera cest Brief envers le Seignior que ad issint encroche.

R *Ationabilibus divisis* is a Writ that lies where there are two Lordships in divers Towns, and one nigh the other, and any parcell of one Lordship, or Waste, hath been incroched by little parcells; then the said Lord from whom the parcell of Ground or Waste hath been incroched shall have this Writ against the Lord that hath so incroched.

Ravishment de Gard.

Ravishment de Gard.

R *Avishment de Gard* est un Brief que gist pur le Gardian en Chivalry, ou Soccage, vers cestuy que prist de luy le corps son Gard. Et de c' veies F. N. B. fol. 140, E. &c.

R *Avishment de Gard* is a Writ that lies for the Gardian by Knights Service, or in Socage, against him that takes from him the body of his Ward. And of this see F. N. B. fol. 140 E. &c.

Rebutter.

Rebutter.

R *Ebutter* est, q̄nt un per Fait ou Fine grant d̄ garantir ascun Terre ou Hereditaire a un aut, & cestuy q̄ fist le Garratie, ou son Heir, sua celuy a q̄ le Garrantie est

R *Ebutter* is, when one by Deed or Fine grants to warrant any Land or Hereditament to another, and he who made the Warranty, or his Heir, sues him to whom the Warranty is made

made, or his Heir, or Assignee by the same thing: now if he who is so sued pleads the said *Ded* or *Fine* with *Warranty*, and demands Judgement, if the Plaintiff shall be received to demand the thing which he ought to warrant, against that *Warranty*, by *Fine* or *Ded* as aforesaid, comprehending such *Warranty*, such Pleading of the *Warranty* is called a *Rebutter*.

fair, ou son Heire, ou Assignee: si celuy que issint sue pleade le dit *Fait* ou *Fine* ove *Garrantie*, & demand Judgement, si le Plainrife serra receive a demander le chose que il doit garrant, enconter cel *Garrantie*, per le *Fait* ou *Fine* avant dit, compernant tiel *Garrantie*, tiel Pleade en *Garrantie* est appelle un *Rebutter*.

Recaption.

Recaption is a second Distresse for one formerly distrained for the self-same cause, and that during the Plea grounded upon the former Distresse. It is also the name of the *Writ* or Remedy that the Law gibes him who is thus twice distrained for one thing: the form and use of which *Writ* you may see in Fitz. N. B. fol. 71. E. & c.

Recaption.

Recaption est un second Distresse dun que fuit auterfois distrein devant p m le cause, & c' durant le Plea ground sur le former Distresse. Est auxy le nosme del Brief ou Remedy que le Ley don p cestuy q est issint deux-fois distrein p u chose: le form & use d ql Bf poies veier en F. N. B. f. 71. E. & c.

Recluse.

Recluse is one that by reason of his Order in Religion may not stir or depart out of his House or Cloister, And of such Littleton speaks, lib. 434.

Recluse.

Recluse est cestuy q p le reason de son Order en Religion ne poit mover ou departer hors de son Meason ou Cloister. Et dun tiel Littleton parle *lib. 434.*

Recordare.

Recordare is a *Writ* directed to the Sheriff, to remove a Cause out of an inferior Court, as a Court of Ancient

Recordare.

Recordare est un Brief direct al Viscount, p remover u Cause hors du inferior Court, com Court d l Anciē M m demesne,

demefne, Hundred Court, ou County Court, en Bank le Roy, ou Common Bank. Et de c' veies *F.N.B. f. 70. B.*

demefne, Hundred Court, at County Court into the King's Bench, or Common Pleas. And of this see *Firz. N. B. f. 70. B.*

Redisseisin.

Redisseisin.

R *Edisseisin.* Veies de c' devant e le Title de *Assise.*

R *Edisseisin.* Look of that before in the Title *Assise.*

Reextent.

Reextent.

R *Extent* est un secōd Extent fait sur Terres ou Tenements, sur complaint fait q le prier Extent fuit partialment performe. *Broke, tit. Extent, fol. 313.*

R *Extent* is a second Extent made upon Lands or Tenements, upon complaint made that the former Extent was partially performed. *Broke, tit. Extent, fol. 313.*

Regarder.

Regarder.

R *Egarder* venust del *Francois Regardeur*, (i. e. *Spectator*) & signifie un Officer del Forrest le Roy, jure de prendre le regard del Vert & Venison, & de veier & inquire des routs Offences commises deins le Forrest, & des routs les cōcealm̄ts de eux; & si routs les Officers del Forrest bien executōr leur Offices ou nemy. Veies *Manw. For. Leys, c. 21. f. 191. b.*

R *Egarder* comes of the French *Regardeur*, (id est, *Spectator*) and signifies an Officer of the King's Forrest, sworn to take care of the Vert and Venison, and to view and inquire of all the Offences committed within the Forrest, and of all the concealments of them; and if all the Officers of the Forrest do well execute their Offices or no. See *Manwood's Forrest Laws, cap. 21. fol. 191. b.*

Regrator.

Regrator.

R *Egrator* est celui q ad Bles, Viduals, ou autres choses sufficient p son necessary oeps ou expences, & nient obstant engrosse & achate en ses mains plus

R *Egrator* is he that hath Corn, Viduals, or other things sufficient for his own necessary use or spending, and doth notwithstanding ingross and buy up into his hands more
Corn,

Com. Viſuals, or other ſuch things, to the intent to ſell the ſame again at a higher and dearer price, in Fairs, Markets, or other ſuch like places: whereof See the Stat. 5 E. 6. cap. 14. He ſhall be puniſhed as a Foreſtaller.

Blees; Viſuals, ou autre tielx choſes, al entent de vend c' arere al un plus hault & chare price, en Faires, Markets, ou tiels ſemblable lieux: de que veies le Stat. 5 E. 6. cap. 14. Il ſerra punie come Foreſtaller.

Rejoynder.

Rejoynder.

Rejoynder is, when the Defendant makes answer to the Replication of the Plaintiff. And every Rejoynder ought to have these two properties specially: that is, it ought to be a sufficient Answer to the Replication, and to follow and enforce the matter of the Barre.

Rejoynder est, qnt le Defendant fait Respons al Replication del Plaintife. Et chescun Rejoynder doit aver ceux deux properties specialment: cestascavoir, il doit estre sufficiēt Respons ad Replication; & de subsequer & enforce le matter del Barre.

Relation.

Relation.

Relation is, where, in consideration of Law, two times or other things are considered so as if they were all one, and by this the thing subsequent is said to take his effect by relation at the time preceding: As if one deliver a Writing to another to be delivered to a third person, as the Deed of him who delivered it, when the other, to whom it should be delivered, hath paid a summe of money; now when the money is paid, and the Writing delivered, this shall be taken as the Deed of him who delivered it at the time when it was first delivered. So Petitions of Parlia-

Relation est, lou, en consideration del Ley, deux temps ou autres choses sont consideres tiellement come si fueront tout un, & per ceo le chose subsequent est dit de prendre son force per relation al temps precedent: Sicome un deliver un Escript al un destre deliver al autre, come Fait cestuy q ceo deliver, qnt l'autre, a que serroit deliver, ad pay ascyn summe de money; ore quant le money est pay, & l' Escript deliver, ceo serra reputé come Fait cestuy q ceo delivera al tēps quant fuit primes delivera. Issint Petitions de Parliament,

ment, as q̄x le Roy assent al darrein jour d'Parliam̄t, averrōt relatiō & prendront leur force del prim̄ jour del commencement del Parliam̄t. Et il s̄int est de divers aũs choses semblables.

Release.

Release est le Done ou Discharge del Droit ou Action q̄ ascun eyt ou claime envers auter, ou son Terre.

Et un Release de Droit est comunem̄t fait q̄nt un fesoit un fait a ū aũ p̄ ceux ou tiels parolx, *Remisistē, relaxastē, & omnino pro me & Hered' meis quiet' clamastē A. B. totum jus meum quod habui, habeo, seu quovismodo in futuro habere potero, in uno Messuagio, &c.* Mes ceux parols (*quovismodo habere potero*) sont voids: Car si le Pere soit dissēsiē, & le Fils release p̄ son Fait s̄s Garrantie de tout son droit, p̄ ceux pols (*quovismodo in fut. habere potero, &c.*) & l' Pere morust; l' Fils poit loyalm̄t enter sur: l' poss. l' Disseisor.

Auxy en un Release de Droit il covient que il a que le Release est fait ad un Franktenement ou Possession en les Terres en Fait ou en Ley, ou un Reversion al temps del Release fait; car sil nad riens en le Terre al temps de Release fait, le Release ne serra a luy availleable. Veies pluis de ceo *Littl. lib. 3. cap. 8.*

ment, to which the King assents on the last day of Parliament, shall relate and be of force from the first day of the beginning of the Parliament. And so it is of divers other like things.

Release.

Release is the Giving or Discharging the Right or Action which any hath or claims against another, or his Land.

And a Release of Right is commonly made when one makes a Deed to another by these or the like words, Remised, released, and utterly for me and my Heirs quite claimed to A. B. all my right that I had, have, or by any means may have hereafter, in one Messuage, &c. But these words (whatsoever I may have hereafter) are void: For if the Father be disseised, and the Son release by his Deed without Warranty all his right, by those words (whatsoever I may have hereafter, &c.) and the Father dies; the Son may lawfully enter in the possession of the Disseisor.

Also in a Release of Right it is needfull that he to whom the Release is made have a freehold or a Possession in the Lands in Deed or in Law, or a Reversion at the time of the Release made; for if he have nothing in the Land at the time of the Release made, the Release shall not be to him availleable. See more hercof in *Littl. lib. 3. cap. 8.* Relis.

Relief.

Relief is sometimes a certain Summe of money that the Heir shall pay to the Lord of whom his Lands are holden, which after the decease of his Ancestoz are to him descended as next Heir. Sometimes it is the Payment of another thing, and not money. And therefore Relief is not certain and alike for all Tenures, but every feveral Tenure hath (for the most part) his special Relief certain in itself. Neither is it to be paid always at a certain age, but varies according to the Tenure.

As if the Tenant have Lands holden by Knight's Service, (except grand Serjeanty) and dies, his Heir being at full age, and holding his Lands by the Service of a whole Knight's fee; the Lord of whom these Lands are so holden shall have of the Heir an hundred shillings in the name of the Relief: and if he held by lesse than a Knight's fee, he shall pay lesse, and if more, then more; having respect always to the rate for every Knight's fee C s. And if he held by grand Serjeanty, (which is always of the King, and is also Knight's Service) then the Relief shall be the value of the Land by the year, besides all charges issuing out of the same. And if the Land be holden in

Relief.

Relief est aſcun foits un certaine Summe de money q' l' Heir payera al Sñr d' q' ceux Terres sont tenus, queux apres le decease de son Ancestor sont a luy discede come prochein Heire. Aſcun foits il est le Paymt d' un aut chose, & nemy money. Et pur ceo Relief nest certain & ſemblable pur tous Tenurs, mes chescun sundry Tenure ad (pur le pluis part) son special Relief certain en luy meſme. Neq' est c' destre paye tous foits al un certain age, mes il varie accordant al Tenure.

Come si le Tenant ad Trs tenus per Service de Chivaler, (ſorſpris grand Serjeantie) & moruſt, ſon Heir esteant de pleine age, & tient ſes Terres per le Service d' un entier Fee de Chivaler, le Seignior de q' ceux Terres sont issint tenus avera del Heire C s. *nomine Relevii*: & si il tient per meins q' un Fee de Chivaler, il payera meins, & si pluis, donques pluis; aiant respect tous foits al rate p' chesc' Fee de Chivaler un cent ſoulz. Et si tient p' grand Serjeantie, (q' est tous foits del Roy, & est auxy Service de Chivaler) donq's le Relief serra le value del Terre per an, preter tous charges issuant hors de c'. Est l' Terre soit tenus en

petit Serjeantie ou é Socage, donqs p le Relief le Heire payera al un foits tant q il doit payera annuelmt p son Service ; q l est communemt appelle le Doubling d l Rent.

Auxy si un home tient del Roy en chiefe, & des auters Sñrs, le Roy avera le Garde de tous les Terres, & le Heir payera Relief a tous les Seigniors a son plein age : mes les Sñrs suera al Roy p petition, & avera le Rent pur le temps q le Enfant fuit en Gard.

Mes veies ore que per le Statute de 2 E. 6. cap. 8. les mesme Sñrs ne sont mises a lour Petition, mes averont tous les Rents as eux payes per les Officers le Roy sur request annuellement durant le possession le Roy.

Et nota, q tous foits qñt le Relief est due, il doit estre pay al un entier payment, & nemy per parts, nient obstant que le Rent soit destre paye al severall Feasts. Veies le Statute 12 Car. 2. cap. 24.

Remainder.

Remainder de Terre est le Terre q remainera apres le particular Estate determine : Come si un grant Terre p terme de ans, ou pur vie, le Remainder al J. S. cest adire, quant le Lease p ans est determiné, ou le Lessee p vie est mort, donques le

petit Serjeantie or in Socage, then for the Relief the Heir shall pay at one time as much as he ought to pay yearly for his Service ; which is commonly called the Doubling of the Rent.

And if a man hold of the King in chief, and of other Lords, the King shall have the Ward of all the Lands, and the Heir shall pay Relief to all the Lords at his full age : but the Lords shall sue to the King by petition, and shall have the Rent for the time that the Infant was in Ward.

But see now that by the Statute of 2 E. 6. cap. 8. the mesme Lords are not put unto their Petition, but shall have all the Rents paid them by the King's Officers upon request yearly during the King's possession.

And note, that always when the Relief is due, it must be paid at one whole payment, and not by parts, although the Rent be to be paid at severall Feasts. See the Statute 12 Car. 2. cap. 24.

Remainder.

Remainder of Land is the Land that shall remain after the particular Estate determined : As if one grant Land for term of years, or for life, the Remainder to J. S. that is to say, when the Lease for years is determined, or the Lessee for life is dead ; then the Land

land shall remain or abide
with, to, or in J. S. ~~See~~ Re-
version.

Terre remainera ou abide
ove, al, ou en J. S. Veies
Reversion.

Remembrancer del Es-
chequer.

Remembrancer del Es-
chequer.

Remembrancer del Eschequer :
There are three Officers or
Clerks there called by that
name ; one is called the Re-
membrancer of the King, the
other of the Lord Treasurer,
and the third of the First
fruits.

The King's Remembrancer en-
ters in his Office all Recogni-
sances for the King's Debts,
Apparances, and for observing
Orders : also he takes all Ob-
ligations for any of the King's
Debts, for Apparances, and ob-
serving of Orders, and makes
out Proses upon them for the
bringing of them.

The Lord Treasurer's Remem-
brancer makes out Proses a-
gainst all Sheriffs, Escheators,
Receivers, and Bayliffs, for
their Accounts : he makes the
Proces of Fieri facias, and Ex-
tent for any Debts due to the
King, either in the Pipe, or
with the Auditors ; and he
makes Proses for all such Re-
venue as is due to the King by
reason of his Tenures.

The Remembrancer of the First
fruits takes all Compositions
for First fruits and Tenths,
and makes Proses against such
as pay not the same. Of these
Officers see more in Dalton's

Remembrancer del Esche-
quer : la sont trois Of-
ficers ou Clerkes la appel-
per tiel nomme ; l'un est
appel le Remembrancer del
Roy, l'autre del Seignior
Treasurer, & le tierce del Pri-
mier fruits.

Le Remembrancer del Roy
enter en son Office tous Re-
cognisances pur les Dets le
Roy, Apparances, & pur ob-
server Orders : auxy il prist
touts Obligations pur aucun
des Dets le Roy, pur Appa-
rances, & observances d'Or-
ders, & fist Proces sur eux p
l'enfreinder d'eux.

Le Remembrancer del Scig-
nior Treasurer fist Proces
vers tous Viscounts, Eschea-
tors, Receivers, & Bailifes,
pur leur Accounts : il fist le
Proces de Fieri facias, & Ex-
tent pur aucun Dets due al
Roy, ou en le Pipe, ou ove les
Auditors ; & il fist Proces
pur tout tiel Revenue que est
due al Roy per reason de ses
Tenures.

Le Remembrancer de les
Primer fruits prist tous Cõ-
positions p Primer fruits &
Dismes, & fait Proces envers
ceux q ne pas paya m. De ceux
Officers veies pluis Dalton's

*Livre del Office & Authoritie
de Viscounts, f.186.*

*Book of the Office and Authority
of Sheriffs, f.186.*

Remitter.

Remitter est, quant un home ad deux Titles a ascun Terre, & il vient al Terre p le darreine Title; uncore il serra adjudge eins per force de son plus eigne Title, & ceo serra dit a luy *Remitter*. Come si Tenant e le taile discontinua le Taile, & puis disseise son Discontinuee, & morust ent seisie, & les Terres descendont a son issue ou Cousin enheritable p force del Taile; en ceo case il est e son *Remitter*, cestascavoir, seisie p force del Taile, & le Title del Discontinuee est ousterment anient & defet. Et le raison & cause de tiel *Remitter* est, p ceo q tiel Heire est Tenant del Tre, & nest ascun pson Tenant vers que il poit suer son Brief de Formedon p recover l' Estate taile: car il ne puit aver Action vers luy mesme.

Auxy si Tenant en le taile enseoffa son Fitz ou Heire apparant q est deins age, & puis devie; ceo est u *Remitter* al Heire: mes si il fuit d' plein age al temps de tiel Feoffment, il nest *Remitter*, p ce q il fuit son folle, q il e eant d' plein age voile pndertiel Feoffment.

Si le Baron alien Terre que il ad en le droit son Feme, & puis reprist Estate

Remitter.

Remitter is, when a man hath two Titles to any Land, and he comes to the Land by the last Title; yet he shall be judged in by force of his elder Title, and that shall be said to him a *Remitter*. As if Tenant in tail discontinue the Tail, & after disseises his Discontinuee, and dies thereof seised, and the Lands descend to his issue or Cousin inheritable by force of the Tail; in that case he is in his *Remitter*; that is to say, seised by force of the Tail, and the Title of the Discontinuee is utterly adnullid and defeated. And the reason and cause of such *Remitter* is: for that such an Heir is Tenant of the Land, and there is no person Tenant against whom he may sue his Writ of Formedon to recover the Estate tail: for he may not have an Action against himself.

Also if Tenant in tail infeof his Son or Heir apparant who is within age, and after dies; that is a *Remitter* to the Heir: but if he were of full age at the time of such Feoffment, it is no *Remitter*, because it was his folly, that he being of full age would take such a Feoffment.

If the Husband alien Lands that he hath in right of his Wife, and after take an Estate again

to him and to his Wife for term of their lives ; that is a Remitter to the Woman, because this Alienation is the act of the Husband, and not of the Woman ; for no folly may be adjudged in the Woman during the life of her Husband.

But if such Alienation be by fine in Court of Record, such a taking again afterward to the Husband and Wife for term of their lives shall not make the Woman to be in her Remitter ; for that in such a fine the Woman shall be examined by the Judge, and such Examination in fines shall exclude such Women for ever.

Also when the Entry of any man is lawful, and he takes an Estate to him when he is of full age, if it be not by Deed indented, or matter of Record, which shall estop him, that shall be to him a good Remitter.

Rents.

Rents are of divers kinds ; that is, Rent service, Rent charge, and Rent secke.

Rent service is, where the Tenant in Fee-simple holds his Land of his Lord by fealty and certain Rent, or by other service and Rent ; and then if the Rent be behind, the Lord may distrain, but shall not have an Action of Debt for it.

Also if I give Land in tail to a man, paying to me certain Rent, that is Rent service.

a luy & a son Feme p terme de leur vies ; ceo est un Remitter al Feme, pur ceo que cest Alienation est l'act le Baron, & nemy l'act de la Feme ; car nul folle poit estre adjudge en Feme durant le vie le Baron.

Mes si tiel Alienation soit per Fine en Court de Record, tiel Reprisel apres al Baron & Feme pur terme de leur vies ne ferra la Feme destre en sa Remitter ; pur ceo que en tiel Fine la Feme serra examine per le Judge, & tiels Examinations e Fines excluderont tiels Femmes a tous jours.

Aux quant l'Entree d'asc' home est congeable, & il prist Estare a luy quant il est de pleine age, si ne soit per Fait indent, ou matter de Record, que luy estoppera, ceo serra a luy bone Remitter.

Rents.

Rents sont d' divers kinds, cestascav', Rent service, Rent charge, & Rent secke.

Rent service est, lou le Tenant en Fee-simple tient sa T're de son S'nr p fealtie & certain Rent, ou p autre Service & Rent ; & donques si le Rent soit arere, le S'nr poit distraire, mes il jammais n'aura Action de Det pur ceo.

Aux si jeo done T'res en le rail a un ho'e, payant a moy certain Rent, ceo est Rent service.

Mes

Mes en tiel case il covient que le Reversion soit en le Donour : Car si home fait Feoffment en fee, ou un Done en taile, le Remainder ouster en fee, sans Faire reservation a luy un Rent, tiel Reservation est voide, & ceo est per force del Statute *Quia emptores terrarum*; & donqs il tiendra de le Sñr de q son Donour tenoit.

Mes si home p Faire indente a cel jour, fait tiel Done e le taile, le Remainder ouster en fee, ou lessa p terme de vie, le Remainder ouster, ou un Feoffment, & p n l'Indenture reserva a luy un Rent, & q si le Rent soit arriere, que bien liroit a luy a distrain; ore tiel Rent est *Rent charge*.

Mes en tiel case, si la ne soit clause de Distresse en le Faire, donques tiel Rent est appel *Rent secke*, p quel il ne jammais distrainera; mes si fuit un foirs seisie, il avera Assise; & si il jammais ne fuit seisie, est sans remedie.

Aux si un grant u Rent issuant hors d la Tfe, ove clause d Distresse, cest u *Rent charge*; & si le Rent soit arriere, le Grantee poit eslier d distrain, ou suer u Bfe d'Annuite, mes il ne poit aver ambideux; car sil port Bfe d'Annuite; donques le Tfe est discharge. Et si il distr, & avow le prisel e Court de Record, donques le Tfe est charge, & le pson del Grantor discharge.

But in such case it behoves that the Reversion be in the Donor: For if a man make a feoffment in fee, or a Gift in tail, the Remainder over in fee, without Deed, reserving to him a certain Rent, such Reservation is void, and that is by the Statute *Quia emptores terrarum*; and then he shall hold of the Lord of whom his Donour held.

But if a man by Deed indented at this day make such Gift in tail, the Remainder over in fee, or lease for term of life, the Remainder over, or a Feoffment, and by the same Indenture reserve to him Rent, and that if the Rent be behind, it shall be lawful for him to distrain; that is Rent charge.

But in such case, if there be no clause of Distresse in the Deed, then such Rent is called Rent secke, for which he shall never distrain; but if he were once seised, he shall have Assise; and if he were not seised, he is without remedy.

And if one grant a Rent going out of his Land, with clause of Distresse, that is Rent charge; and if the Rent be behind, the Grantee may chuse to distrain, or sue a Writ of Annuity, but he cannot have both; for if he bring a Writ of Annuity, then the Land is discharged. And if he distrain, and avow the taking in Court of Record, then the Land is charged, & the person of the Grantor discharged.

Also if one grant a Rent charge, and the Grantee purchase half, or any other part of parcel of the Land, all the Rent is extinct. But in Rent service, if the Lord purchase parcel of the Land, the Rent shall be apportioned.

If one hath a Rent charge, and his father purchase parcel of the Land, and that parcel ascends to the Son, who hath the Rent charge; then the Rent shall be apportioned according to the value of the Land, as it is said of Rent service; because the Son comes to that not by his own act, but by descent.

Also if I make a Lease for term of years, reserving to me a certain Rent, that is called a Rent service, for which it is at my liberty to distrain, or to have an Action of Debt: but if the Lease be determined, and the Rent behind, I cannot distrain, but shall be put to my Action of Debt.

And note well, that if the Lord be seised of the Service and Rent aforesaid, and they be behind, and he distrain, and the Tenant rescues the Distress, he may have Wille, or a Writ of Rescous; but it is more necessary for him to have Wille, then a Writ of Rescous: for that by Wille he shall recover his Rent and his Damages; but by a Writ of Rescous he shall recover onely Damages, and the thing distrained shall be repaired.

Auxy si un grant un Rent charge, & le Grantee s'achate le moietie, ou asc' autre part ou parcel de le Terre, tout le Rent est extinct. Mes en Rent service, si le Seignior s'achate parcel del Terre, le Rent serf apportion.

Si un ad un Rent charge, & son Pere purchase parcel del Terre, & cel parcel descend a le Fitz, q' ad le Rent charge; ore cel Rent serra apportion solonque le value del T're, come est dit de Rent service; p' ceo que le Fitz ne vient a ceo p' son act demesne, mes per descent.

Auxy si jeo face un Lease p' terme d'ans, reservant a moy un certain Rent, cest appel un Rent service, pur quel il est a mon liberteie a distraire p' le Rent, ou aver un Action de Det: mes si le Lease soit determine, & le Rent soit arref, jeo ne puisse distraire, mes serf mis a mon Action d' Det.

Et nota, que si le Seignior soit seise de Service & Rent avantdits, & ils soyent adere, & il distraire, & le Tenant rescue le Distress, il poit aver Assise, ou Brief de Rescous; mes il est plus necessarie pur luy d' aver Assise, que Brief de Rescous: pur tant que per Assise il recouvrera son Rent & ses Damages; mes per cest Brief de Rescous il ne recouvrera mes Damages, & le chose distreine serra reprise.

Si

Si le Seignior ne soit my seisie del Rent & Service, & ils sont aderef, & il distrein pur eux, & le Tenant reprent le Distresse; il ne poit my aver Assise, mes Bfe de Rescous, & ne covient my al Sfr de mfe son droit.

Si le Seignior ne poit mytrover Distresse p deux ans, il avera vers le Tenant Brief de *Cessavit per biennium*, ut patet per le Statute de *Westm. 2. cap. 21.*

Er si le Tenant devie en le mean temps, & son Issue ent, le Sfr avera vers le Issue Bfe de Entry sur *Cessavit*; ou si le Tenant alien, le Sfr avera vers le Alienee le avantedit Brief. Mes si le Sfr ad issue & devie, & le Tenant soit en arrerages del dit Rent & Services en le temps le Pere, & nemy en le temps del Issue; il ne poit my distrein pur arrerages en temps son Pere, & navera ascun auter Recoverie vers le Tenant ou ascun auter, pur ceo que tiel advantage est done per le Ley al Tenant. Et nota, q Fealty appent de common droit a Rent service, mes nemy a Rent charge ne Rent seck.

Si home distrein p Rent charge, & le Distresse soit rescue de luy, & il ne fuit my seisie adevant, il ne ad my Recoverie forsq p Bfe d Rescous; car le Distresse primermt fait ne don a luy Seisin,

If the Lord be not seised of the Rent and Service, and they be behind, and he distrain for them, and the Tenant take again the Distresse; he shall not have Assise, but a Writ of Rescous, and the Lord shall not need to shew his right.

If the Lord cannot find a Distresse in two years, he shall have against the Tenant a Writ of *Cessavit per biennium*, as it appears by the Statute of *Westm. 2. cap. 21.*

And if the Tenant die in the mean time, and his Issue enter, the Lord shall have against the Issue a Writ of Entry upon *Cessavit*; or if the Tenant alien, the Lord shall have against the Alienee the foresaid Writ. But if the Lord have issue, and die, and the Tenant be in arrerages of the said Rent and Service in the time of the Father, and not in the time of the Issue; he may not distrain for the arrerages in the time of his Father, and he shall have no other Recovery against the Tenant or any other, because such advantage is given by the Law to the Tenant. And note, that fealty of common right belongs to Rent service, but not to Rent charge nor Rent seck.

If a man distrain for Rent charge, and the Distresse be rescued from him, and he was never seised before, he hath no Recovery but by Writ of Rescous; for the Distresse first taken gives not Seisin to him, unless

unless he had the Rent before :
if he were seised of the Rent
before, and after the Rent be
behind, and he distrain, and
Rescous be made, he shall have
Wile, or a Writ of Rescous.

In every Wile of Rent
charge, and annual Rent, or
in a Writ of Annuity, it be-
hoves him that brings the
Writ to shew an Especialty,
or else he shall not maintain the
Wile. But in an Wile of
Mortdācestor, or Formedon in
the descender, or other Writs
(in which Title is given or
compiled) brought of Rent
charge or annual Rent, the E-
specialty need not be shewn.

And note well, that if a man
grant a Rent charge to ano-
ther, and the Grantor release to
the Grantee parcel of the Rent,
yet all that Rent is not extinct.

If Rent charge be granted
to two joyntly, and the one re-
lease, yet the other shall have the
half of the Rent. And if the
one purchase the half of the
Land whereout the Rent is go-
ing, the other shall have the
half of the Rent of his compa-
nion. And if the Disseisor charge
the Land to a Stranger, and the
Disseisor bring an Wile and re-
cover; the charge is defeated.
But if he that hath right char-
ges the Land, and a Stranger
sue a false Action against
him who hath no right, and
recovers by Default; the charge
abides.

In case Partition be between

forque-sil nad le Rent ade-
vant; car si il fuit seise del
Rent adevant, & puis le Rent
soit aderere, & il distrein, &
Rescous soit fait, il avera Af-
fise, ou Brief de Rescous.

En chescun Affise de Rent
charge, & annual Rent, ou en
un Brief de Annuity, covient
a celui que port le Brief de
monstre avant un Especialty,
ou autrement il ne maintiendra
le Affise. Mes en Affise de
Mortdācestor ou Formedon
le discender, & autres Briefs
(ē les queux Title est don ou
cōprise) port de Rent charge
ou de annual Rent, nest be-
soigne de monstre Especialty.

Et nota bien, que si home
grant Rent charge a un aūf,
& le Grantee releffa al Grā-
tor parcel de le Rent, uncore
tout le Rent nest extinct.

Si Rent charge soit grant
a deux joyntment, & le un
releffa, uncore le aūf avera
le moietie del Rent. Et si l'un
sachase le moietie de le Terre
dont le Rent est issuant, lau-
ter avera le moietie del Rent
de son compaignion. Et si le
Disseisor charge la Terre a
un Estranger, & le Disseisor
port le Affise & recover; le
charge est defeate. Mes si
celuy que ad droit charge
la Terre, & un Estranger
saine un faux Action envers
luy que nad droit, & reco-
ver per Default; le charge
demurra.

En case Purparty soit penē
deux

deux Parceners, & puis
Terre soit allotté a lun que
a l'auter, & el que ad puis
del Terre charge sa Terre al
auter, & e l'happe le Rent;
el maintainera Assise sans
Especialty.

Et est un Rent seck, lou
home tient de moy per Ho-
mage, Fealty, & auter Ser-
vices, rendant a moy un cer-
tain Rent per an, q̄ j'eo grant
a un auter, reservant a moy
les aufs Services.

Si Rent seck soit grant a
un home & ses Heires, & le
Rent soit aderere, & le Gra-
tor devie; le Heire ne purra
my distrainer, ne recovers
les arrerages de temps son
Pere, sicome est avantdit de
Rent service.

Et enm̄ le manner est de
Rent charge ou annual Rent.
Mes ē tous ces Rents l' Heir
proit aver p̄ arrerages en son
temps demesne riel avan-
tage come avoit son Pere en
sa vie. Vide Statut. 32 H. 8.
cap. 37.

Et nota bien, q̄ en Rent
seck si home ne soit seise del
Rent, & il soit aderere, il est
sans recovery, pur c' que il
fuit son folly demesne al-
primer, quant le Rent fuit
grant a luy ou reserve, q̄ il ne
prist my Seisin del Rent, sicōe
un denier ou deux.

Home ne poit aver *Cessavit*
per biennium, ou un auter Bre
d' Entry sur *Cessavit*, p̄ aucun
Rent seck aderere per deux

two Parceners and more Land
be allowed to one then to the o-
ther, and he that hath most of
the Land charges her Land to
the other, and he happeneth the
Rent; he shall maintain Assise
without Especialty.

And it is a Rent seck, where
a man holds of me by Homage,
Fealty, and other Services,
yielding to me a certain yearly
Rent, which I grant to ano-
ther, reserving to me the other
Services.

If Rent seck be granted to a
man and to his Heirs, and the
Rent be behind, and the Gran-
tor die; the Heir may not dis-
train, nor shall recover the ar-
rerages of the time of his fa-
ther, as it is said before of Rent
services.

And in the same manner it
is of Rent charge, or annual
Rent. But in all these Rents
the Heir may have for the ar-
rerages in his own time such ad-
vantage as his father had in
his life. See the Statute 32 H. 8.
cap. 37.

And note well, that in Rent
seck, if a man be not seised of
the Rent, and it be behind, he
is without recovery, for that it
was his own folly at the be-
ginning, when the Rent was
granted him or reserved, that
he took not Seisin of it, as a
peny or two pence.

A man may not have a *Ces-
savit per biennium*, or any other
Writ of Entry sur *Cessavit*, for
any Rent seck behind by two
years,

years, but ouely for Rent service, as it appears in the Stat. Westm. 2. cap. 21.

It behoves him that sues for Rent seck to shew a Deed to the Tenant, else the Tenant shall not be charged with the Rent, except where the Rent seck was Rent service befoze; as in this case: Lord, Mesne, and Tenant, and every of them holds of other by Homage and fealty, and the Tenant of the Mesne by 10 s. Rent; the Lord paramount purchases the Lands or Tenements of the Tenant, all the Seigniorie of the Mesne, but the Rent is extinct: and for this cause this Rent is become Rent seck, and the Rent service changed, for he may not distrain for this Rent; and in this case he that demands the Rent shall never be charged to shew a Deed.

Also in a Writ of Mortdancer, Ayle or Befayle, of Rent seck, it needs not to shew a Specialty, for that these Writs of Possession comprehend a Title within themselves, that is to say, that the Ancestour was seised of the same Rent, and continued his possession; in respect of which Seisin the Law supposes that it is also averrable by the Countrey.

Per learn, for some suppose a necessity to shew forth a Deed, because Rent seck is a thing against common right, as well as Rent charge.

ans, mes il proit tant sollement p Rent service, ut patet in le Stat. Westm. 2. cap. 21.

Il coviēt pur luy q̄ sue pur Rent seck monst̄r Fait al Tenant, auterment le Tenant ne serra my charge, del Rent, fors q̄ lou le Rent seck fuit Rent service adevant; come en cest case: Sñr, Mesne, & Tenant, & chesc' de eux tiēt de auter p Homage & Fealties, & le Tenant del Mesne per 10 s. de Rent; le Sñr paramount schase les Terres ou Tenements del Tenant, tout le Sñrie del Mesne, forsp̄ise le Rent est extinct: & pur cest cause cest Rent est devenu Rent seck, & le Rent service change, car il ne poit distraire pur cest Rent; & en cest case celuy q̄ demanda le Rent ne serra jammes charge de monstre Fait.

Auxy en Brief de Mortdancer, Ayle ou Befayle, de Rent seck, il ne besoigne de monstre Especialtie, pur ceo que ceux Briefs de Possession comprehendont un Title deins eux mesmes, cestascavoir, que le Ancestor fuit seise de mesme le Rent, & continua son possession; per cause de quel Seisin le Ley suppose q̄ est auxy averrable per le Pays.

Tamē quere, car ascūs supposāt ū fine force a mōst̄r avāt Fait, p̄ ceo q̄ Rēnt seck est ū chose ecounē cōmōn droit, auxy biē come Rent charge.

Mes

Mes en Affise d' *Novel disseisin*, & en Brief de *Entrie sur disseisin* port en Rent seck, il coviẽt de fine force de mĩe avant Fait; p̃ ceo q̃ Rent seck est un chose encounẽ comon droit, sinon en le case suĩsdit, ou il fuit Rent service adevant, & p̃ le act del Ley est devenus Rent seck.

Et Affise de *Novel disseisin* & Brief de *Entrie sur disseisin* ne conteigne deins eux nul Title, mes supposant un *Disseisin* dẽc fait a le Plaintiff; & dẽ entendẽt del Ley le *Disseisin* ne done nul cause de *Averment* encounẽ common droit, mes dẽ fine force il monstre avant *Especialty*.

Repleader.

R *Epleader* est, pleader arere ceo q̃ fuit plead devant. *Rastal tit. Repleader.*

Replevin.

R *Eplevin* est un Brief q̃ gist quant un home est distreine pur Rent ou aut chose, donques il avera cest Brief al Viscount, pur deliver a luy le Distresse, & trovera Surety de pursuer son Action; & si il ne pursua, ou si soit trove & judged encounẽ luy, donques cestuy que prist le Distresse re-avera Distresse, que est appel' *Retourne des Avers*; & il avera

But in Affise of *Novel disseisin*, and in a Writ of *Entrie sur disseisin* brought of *Rent seck*, it is needfull to shew forth a *Deed*; for that *Rent seck* is a thing against common right, except in the case aforesaid, where it was *Rent service* before, and by the act of Law it is become *Rent seck*.

And Affise of *Novel disseisin* and a Writ of *Entrie sur disseisin* contain within them no Title, but suppose a *Disseisin* to be done to the Plaintiff; and by the intendment of the Law the *Disseisin* gibes no cause of *Averment* against common right, but there is a necessity to shew forth a *Deed*.

Repleader.

R *Epleader* is, to plead again that which was once pleaded before. *Rastal tit. Repleader.*

Replevin.

R *Eplevin* is a Writ that lies where a man is distrained for *Rent* or other thing, then he shall have this Writ to the Sheriff, to deliver to him the Distress, and shall finde Surety to pursue his Action; and if he pursue it not, or if it be found or judged against him, then he that took the Distress shall have again the Distress, which is called the Return of the Writs; and he shall have

in such case a Writ called *Returmo habendo*.

If it be in any Franchise or Bailiwick, the party shall have a Replevin of the Sherif directed to the Bailif of the same franchise, to deliver them again; and he shall finde Surety to pursue his Action at the next County. And this Replevin may be removed out of the County unto the Common place by Writ of *Recordare*.

See more of Replevin in the Title Distress.

The Writ of *Homine replegiando* lies where a man is in Prison, and not by special commandment of the King, nor of his Justices, nor for the death of a man, nor for the King's Forest, nor for such cause which is not repleviable; then he shall have this Writ directed to the Sherif, that he cause him to be replevied. This Writ is a Justice, and not retornable. And if the Sherif do it not, then there shall go forth another Writ, *Sicut alias*; and afterward another Writ, *Sicut pluries*, vel *causam nobis significes*, which shall be retornable. And if the Sherif yet make no Replevin, then there shall issue an Attachment directed to the Coroners to attach the Sherif, and to bring him before the Justices at a certain day, and farther, that they make execution of the first Writ.

en tiel case Brief appel *Returmo habendo*.

Si soit en aucun Franchise ou Bailiwick, le party avera un Replevin del Viscount directe al Bailif de m le Franchise, pur eux redeliver, & il trovera Surety de poursuivre son Action al prochain County. Et cest Replevin poit estre remove hors del County en le Common banke p Brief de *Recordare*.

Vide plus de Replevin devant Titre Distresse.

Brief de *Homine replegiando* gist lou un home est en Prison, & nemy per especial commandement le Roy; ne de ses Justices, ne p le mort d hœe, ne pur le Forest le Roy, ne pur tiel cause que nest repleviable; donques il avera cest Brief direct al Vicount, que il luy faire estre replevy. Et cest Brief est un Justice, & nient retornable. Et si Vicount ne ceo face, donques issira auter Brief, *Sicut alias*; & apres auter Brief, *Sicut pluries*, vel *causam nobis significes*, que serra retornable. Et si le Vicount uncore ne face Replevin, donques issira un Attachment directed al Coroners dattacher le Vicount, & de luy amesner devant les Justices a un certain jour, & ouster ceo que ils facent execution del prim Brief.

Replication.

Replication est, quant le Defend en ascun Action fait Respons, & le Plaintiff replie a ceo, ceo est appelle *Replication* del Plaintiff.

Reprises.

Reprises sont Deductions, Payments & Duties que va annuelment & sont pay hors de un Mannour; come Rent charge, Rent seck, Pensions, Corrodies, Annuities, Fees de Seneschals ou Baylives, & tiels semblables.

Reprive.

Reprive venust del Francois *Repris*, *Resumptus*; issint que repriver est properment d resumer un Prisoner del Execution & proceeding del Ley pur ceo temps.

Rere Countie.

Reve Countie (*Retracomitatatus*) est un polise e les Stat *Westm. 2. c. 39. & 2 E. 3. c. 5.* & semble p ceux Stat. destre asc' publique lieu que l' Viscount appoint p le receit des deniers le Roy apres le fine de son Countie Court.

Replication.

Replication is, when the Defendant in any Action makes an Answer, and the Plaintiff replies to that; that is called the Replication of the Plaintiff.

Reprises.

Reprises are Deductions, Payments and Duties that go yearly and are paid out of a Mannour; as Rent charge, Rent seck, Pensions, Corrodies, Annuities, Fees of Stewards or Bailiffs, and such like.

Reprive.

Reprive comes from the French *Repris*, that is, taken back; so that to reprive is properly to take back or suspend a Prisoner from the Execution and proceedings of the Law for that time.

Rere Countie.

Reve County is a word used in the Statutes of *Westm. 2. ca. 39. and 2 E. 3. ca. 5.* and seems by those Statutes to be some publick place which the Sheriff appointed for the receiving of the King's money after his County Court was done.

Resceit.

Resceit is, when any Action is brought against the Tenant for term of life or years, and he in the Reversion comes in and prays to be received to defend the Land, and plead with the Demandant: And when he comes, it behoves that he be alway ready to plead with the Demandant. In the like manner a Wife shall be received for the default of her husband in an Action brought against them both. And Tenant for years shall be received to defend his right, where, in an Action brought against the Tenant of the Freehold, he pleads faintly.

Rescous.

Rescous is a Writ that lies when any man takes a Distress, and another takes it again from him, and will not suffer him to carry the Distress away; this is a Rescous, upon which he may have this Writ, and shall recover damages.

Also if one distrain Beasts for damage fasant in his pound, and drives them in the high way to impound them, and in going they enter into the house of the owner, and he withholds them there, and will not suffer the other to impound them; that withhold-
ing is a Rescous.

Resceit.

Resceit est, quant alcun Action est port vers Tenant pur terme de vie ou de ans, & cestuy en le Reversion vient eins, & pria destre receive p̄ defend̄ le Terre, & p̄ pleader ovesque le Demandant: Auxy quant il vient, il covient que il soit tous foits prist a pleader ove le Demandant. En mesme le maner un Feme serra receive pur default sa Baron en Action port vers ambideux. Et Tenant pur ans serra receive a defend son droit, lou, en un Action port vers Tenant del Frank-tenement, il plede faintment.

Rescons.

Rescons est un Brief q̄ gift quant alcun home prent Distresse, & un auter reprist Distresse de luy, & ne voile suffer luy amefner l' Distress; ceo est un Rescons, sur quel il poit aver cest Brief, & recoversa damages.

Auxy si un distrein Beasts pur damage fasant en sa Terre, & les enchasea per le hault chemin pur eux enparker, & en alant ils entrent en le meason de celui a que ils sont, & il eux detient la, & ne voile suffer le auter de eux enparker; ceo detainer est Rescons.

N n 2

Reservada

Reservation.

Reservation est prise divers voyes, & ad divers natures. Come ascun foits p voy de exception, d' reserve ceo q un home ad devant en luy : Come si u Lease soit fait pur ans de Terre, *reservant* les grand Arbors creissant sur ceo, ore le Lessee ne poit meddle ovesque eux, ne ovesque asc' chose q vient de eux, cy longe come il demurt en ou sur les Arbors, come Mast d' Oake, Chesnut, Pomes, ou tielx semblables : mes sils chient del Arbors fre, donqs ils sont en droit l' Lessee, car le Terre est lessée a luy, & tout sur c' nient reserve, &c.

Ascun foits un *Reservation* obtaine & port hors un auter chose q ne suit devant : Cœ si un home lessa ses Terres *reservant* annuellmt p c' xx. l. &c. Et divers auters tielx *Reservations* y sont.

Et nota, que en anciēt tēps leur *Reservations* fuerōt cybiē en Victuals, soit ceo Carne, Pische, Blee, Pane, Boyer, ou autrement, come en Money, tanq al darreine, & specialment en le temps del Roy Henry le x. per agreement le *Reservation* de Victuals fuit change en prist Money, come il ad tanque cy continue.

Reservation.

Reservation is taken divers ways, and hath divers natures. As sometimes by way of exception, to keep that which a man had before in him : As if a Lease be made for years of Ground, reserving the great Trees growing upon the same, now the Lessee may not meddle with them, nor with any thing that comes of them, so long as it abides in or upon the Trees, as Mast of Oake, Chesnut, Apples, or such like : but if they fall from the Trees to the ground, then they are by right the Lessee's ; for the Ground is let to him, and all thereupon not reserved, &c.

Sometimes a Reservation doth produce and bring forth another thing which was not before : As if a man lease his Lands, reserving yearly for the same xx. li. &c. And divers other such *Reservations* there be.

And note, that in ancient time their *Reservations* were as well in Victuals, whether flesh, fish, Corn, Bread, Drink, or what else, as in Money, untill at last, and that chiefly in the reign of King Henry x. by agreement the *Reservation* of Victuals was changed into ready Money, as it hath hitherto continued.

Residence.

Residence comes from the Latine *Residere*, and is all one with *Resiance*, but that this word *Residence* is oftner appropriated to the Continuance of a Parson or Vicar upon his Church or Benefice; and so it is used in the Statute of 28 H. 8. cap. 13.

Resignation.

Resignation is, where an Incumbent of a Church resignes or leaves it to the Ordinary, who did admit him to it, or to his Successors; which differs from Surrender, since by that he to whom the Resignation is made hath no interest in the thing so resigned, but he to whom the Surrender is made hath by that the thing it self.

Resummons.

Resummons is a Second Summons of a man to answer an Action, where the first Summons is defeated by the Demise of the King, or such other cause. And of this see Coke, lib. 7. fol. 29. b.

Resumption.

Resumption is a word used in the Statute of 31 H. 6. c. 7. and is there taken for the Taking

Residence.

Residence venust del Latine *Residere*, & est tout un ove *Resiance*; si non que cest parol *Residence* est plus rost appropriate al Continuance dun Parso ou Vicar sur so Esglise ou Benefice; & illint est use en l' Stat. de 28 H. 8. c. 13.

Resignation.

Resignation est, lou un Incumbent de un Esglise resigne ou relinquiſt ceo al Ordinarie, que luy ait admit a ceo, ou a ses Successeurs; q̄ differ del Surrender, quant p cel il a que le Resignation est fait nad' aucun interest en le chose illint resigne, mes cestuy a q̄ Surrender est fait avoit p ceo le chose mesme.

Resummons.

Resummons est un Second Summons dun home pur responder al un Action, lou le primer Summons est defeat p le Demise le Roy, ou tiel semblable cause. Et de ceo veies Coke lib. 7. fo. 29. b.

Resumption.

Resumption est un parol use en le Stat. de 31 H. 6. cap. 7. & est la prise pur le Re-
N n 3 prendre

prendre en les maines le Roy de tiels Tſes ou Tenemens come sur faux ſuggeſtion ou auter error le Roy uſſoit deliuer al un-Heire, ou grant p Parent al aſcun home.

again into the King's hands ſuch Lands or Tenements as upon falſe ſuggeſtion or other error he had made Liberty of to an Heir, or granted by Patent to any man.

Retraxit.

Retraxit eſt le Preterperſect tenſe de *Retraho*, pui evulſer arere; & eſt, quant le Plaintiff ou prie Demandant vient e pper pſon e le Court lou ſon Suit eſt, & dit q il ne voit *ulterius proſequi in Placito illo, &c.* ceo ſerra u Barre al Action a tous jours.

Reve, ou Reeve.

Reve eſt un Officer plus conus e ancien temps q a ceſt jour: car cheſc' Manſor ad donques un Reeve, & uncore en divers Copichold-Manſors (ou le veil cuſtome pvaile) le noſme & office neſt en tout oblie. Et eſt en effect ceo q a ore cheſc' Bailife d'un Maſor praſtiſe, nient obſtant le noſme de Bailife ne fuit donqs e ure enter nous, eſteant puis port eins p les Normans. Mes le noſme de *Reve*, ancienment appel *Gereve*, (quel parricle (*Ge*) en continuance del temps fuit ouſterment omiſe & perde) vient del *Saxon* parol *Gerefa*, que ſignifie un Ruler; Et iſſint verament ſon Rule & auctoritie fuit large deins le

Retraxit.

Retraxit is the Preterperſect tenſe of *Retraho*, to pull back; and is, when the party Plaintiff or Demandant comes in proper perſon into the Court where his Plea is, and ſaith he will not proceed any farther in the ſame, &c. this will be a Bar to the Action for ever.

Reve, or Reeve.

Reve is an Officer more known in ancient time then at this day: for almoſt every Manſor had then a Reeve, and yet ſtill in many Copyhold-Manſors (where the old cuſtom prevails) the name and office is not altogether forgotten. And it is in effect that which now every Bailiff of a Manſor praſtiſes, although the name of Bailiff was not then in uſe amongſt us, being ſince brought in by the Normans. But the name of Reeve, anciently called *Gereve*, (which parricle (*Ge*) in continuance of time was altogether left out and loſt) came from the Saxons word *Gerefa*, which ſignifies a Ruler: And ſo indeed his Rule and authority was large within the

compasse of his Lord's Mannor, and among his men and Tenants, as well in matters of Government in peace and war, as in the skilful use and trade of Husbandry. For as he did gather his Lord's Rents, pay Reprises or Duties issuing out of the Mannor, let the Servants to work, fell and cut down Trees to repair the Buildings and Inclosures, with divers such like, for his Lord's commodity; so also he had authority to govern and keep the Tenants in peace, and, if need required, to lead them forth to war.

Reversion.

Reversion of Land is a certain Estate remaining in the Lessor or Donor, after the particular Estate and possession conveyed to another by Lease for life or years, or Gift in tail.

And it is called a Reversion in respect of the possession separated from it: so that he that hath the one, hath not the other at the same time; for in one body at the same time there cannot be said a Reversion, because by the uniting the one of them is drowned in the other.

And so the Reversion of Land is the Land it self when it falls.

compasse del Mañor son Seignior, & enter les homes & Tenants, cybien en choses de Governint e peace & guerre, cōe en le skilful use & trade de Husbandrie. Car sicome il collect les Rents del Sñr, pay Reprises ou Duties issuant hors del Mannor, appoint les Servants de worker, succide & decoupe Arbres p̄ repaier les Edifices & Enclosures, ovesq̄ divers tiels semblables, p̄ le commoditie del Seign̄r; issint auxy il ad auctoritie de gouverner & gard̄ les Tenants e paix, & sil besoigne, d̄ conducer eux en guerre.

Reversion.

Reversion de Terre est un certaine Estate remainant en le Lessor ou Donor, apres le particular Estate & possession convey al un auter per Lease p̄ vie ou ans, ou Done en taile.

Et est appel un *Reversion* en respect de le possession separate de ceo: issint que il q̄ ad l' un nad l' auter a mesme le temps; car en un corps simul la ne poit estre dit un Reversion, pur ceo que per l' uniting l' un est merge en l' auter.

Et issint le *Reversion* del Terre est le Tñe mesm̄ quant il eschueſt.

*Right, & Right de
Entrie.*

Right, & Right de Entrie.
Veies en Droit.

Riot.

Riot est, lou trois (al
meins) ou plures font
asc' illoyal act, come de bater
un hœ, enter sur le possession
d'un auter, vel hujusmodi.

Robberie.

Robberie est, quant ũ hœ
prent asc' chose del pson
d'un auter feloniously; co-
ment q̄ la chose prise soit al
value forsque d'un denier,
uncore il est Felonie, p̄ quel
l'Offendor suffera mort.

Rood de Terre.

Rood de Terre est un cer-
taine quantitie d' Terre
contein le quatre part d'un
Acre. Anno 5 Eliz. c. 5.

Rout.

Rout est, quant people as-
semble eux m̄, & puis p-
cedant, ou chivauchant, ou
alant ayant, ou movent p̄ in-
stigation d'un ou plusors, q̄
est Conductor d'eux. Cest ap-
pel ũ Rout, p̄ c' q̄ ils movent
& p̄ceed t̄ routs & numbers.
liem ou plures assemble

*Right, and Right of
Entry.*

Right, and Right of Entry. *See*
in Droit.

Riot.

Riot is, when three (at the
least) or more doe some un-
lawful act; as to beat a man,
enter upon the possession of ano-
ther, or such like.

Robbery.

Robbery is, when a man
takes any thing from the
person of another feloniously;
although the thing so taken be
to the value but of a penny, yet
it is felony, for which the Of-
fendor shall suffer death.

Rood of Land.

Rood of Land is a certain
quantity of Land contain-
ing the fourth part of an Acre.
Anno 5 Eliz. c. 5.

Rout.

Rout is, when people assem-
ble themselves together,
and after proceed, or ride, or go
forth, or move by the instigation
of one or more, who is their
Leader. This is called a Rout,
because they move and proceed in
routs and numbers.

Also where many assemble
themselves

themselves together upon their own quarrels and brawls; as if the inhabitants of a Town will gather themselves together to break Hedges, Walls, Ditches, Pales, or such like, to have Common there, or to beat another that hath done them a common displeasure, or such like; that is a Rout, and against the Law, although they have not done or put in execution their mischievous intent. See the Stat. 1 Mar. c. 12.

eux sur leur quarrels & braules demesne; come si les habitants d'un Ville voille assembler eux pur debruier Heys, Mures, Fosses, Pales, ou tiels semblables, d'aver Common la, ou de bater un autre q' ad fait eux un common displeasure, vel hujusmodi; cest un Rout, & enconter le Ley, coment q' ils nont fait ou mis en execution leur male entent. Veies le Statute 1 Mar. c. 12.

S.

Sac, or Sake.

Sake is a Plea and Correction of Trespasse in your Court; because Sake in English is Encheson in French, and sake is put for sick.

See Keloway in his Cases incerti temporis, f. 145. a. that the privilege called Sake is, for a man to have the Amerciaments of his Tenants in his own Court.

Salary.

Salary is a word often used in our Books, and it signifies a Recompence or Consideration given a man for his pains bestowed upon another man's business. And it is so called, as Pliny says in the 31 Book of his Nat. Hist. cap. 7. because

S.

Sac, ou Sake.

Sake est Placitum & Emenda de Transgrehominum in Curia vestra; quia Sake Anglicè est Encheson Gallicè, & sake est mis pur sick.

Veies Keloway Casus incerti temporis, f. 145. a. que le privilege appel Sake est, d'aver les Amerciaments de ses Tenants en son Court demesne.

Salarie.

Salarie (Salarium) est un parol mult use en nre Livres, & signifie un Recompence ou Consideration done a l'asc' pur son labour implie sur les besoign' d'un auf. Et est issint appel, come Plinie dit l. 31. Nat. Hist. c. 7. quia

iam

tam necessarium est quam Sal homini, & labores suos sapit ut Sal cibos.

It is as necessary for a man as Salt, and makes his labour relish as Salt both his meat.

Sanctuarie.

Sanctuary.

S*anctuarie* est un Lieu privilege p le Souveraigne p le garder des vies des homes queux sont pechers, esteant foundue sur le Ley de Mercy, & sur le grand reverence, honour & devotion q le Souveraigne port al lieu a que il granta tiel Privilege; q fuit si grand en temps passe, q les Souveraignes ont grant mesm en cases de Treason ppetres enconter eux mesmes, Murder, Rape, ou autre crime quecunque. De ceo veies *Stamf. Pl. del Cor. l. 2. c. 38.*

S*anctuary* is a Priviledge place by the Prince for the safeguard of mens libes who are Offendors, being founded upon the Law of Mercy, and upon the great reverence, honour and devotion which the Prince bears to the place whereunto he grants such a Privilege; which was heretofore so great, that the Princes have granted the same in cases of Treason committed against themselves, Murther, Rape, or other crime whatsoever. Hereof see *Stamf. Pl. of the Crown, l. 2. c. 38.*

Sarpler.

Sarpler.

S*arpler* est un quantitie de Lane, q en *Escoce* est appel *Serplath*, & cõtaine 80 Stone; & ove nous en *Angleterre* un Corde de Lane consista (per l'opinion d'ascuns) de 80 Todde, & chesc' Todde contraina deux Stone, & chescun Stone 14 Livers; & q ü Sack d lane est en usual estimation egal ove ü Corde, & un *Sarpler* le moietie d'un Sack.

S*arpler* is a quantity of wooll, which in *Scotland* is called *Serplath*, and contains 80 Stone; and with us in *England* a Load of wooll contains (by the opinion of some) fourscore Tod, and every Tod two Stone, and every Stone fourteen Pounds; and that a Sack of wooll is in common account equal with a Load, and a *Sarpler* the one half of a Sack.

Scandalum magnatum.

Scandalum magnatum.

S*candalum magnatum* est ü Male report invẽr ou disperse al prejudice ou slander

S*candalum magnatum* is an Evil report invented or dispersed to the prejudice or slander of

of any great personage or Officer of the Realm. The punishment of which is enacted by divers Statutes, viz. Westm. 1. c. 33. 2 R. 2. c. 5. & 12 R. 2. c. 11.

d' aucun grand personage ou Officer del Realm. Le punishment p q est enact p divers Statutes, viz. Westm. 1. c. 33. 2 R. 2. c. 5. & 12 R. 2. c. 11.

Scauage.

Scauage.

SCauege or Shewage is a Toll exacted by the Mayors, Sheriffs and Bailiffs of Cities and Towns Corporate, for wares or merchandise shewed to be sold within their precincts or jurisdiction: which Exaction, being against the privilege of the King's subjects, was prohibited by a Statute made in 19 H. 7. c. 8. See 21 H. 7. f. 14. a. and see the Statute of 22 H. 8. c. 8. in the end thereof.

SCauege ou Shewage est un Toll exacte p les Mayors, Viscounts & Bailiffs des Cities & Boroughs corporate, pur wares ou merchandise monstres destre vendus deins leur seincts & jurisdiction: quel Exaction, esteant encont le privilege des subjects le Roy, fuit inhibit per un Statute fait 19 H. 7. c. 8. Veies 21 H. 7. f. 14. a. & veies le Stat. de 22 H. 8. c. 8. in fine.

Scire facias.

Scire facias.

Scire facias is a Writ judicial going out of the Record, and lies where one hath recovered Debt or Damgages in the King's Court, and sues not to have Execution within the year and the day; then after the year and the day he shall have the said Writ to warn the party: and if the party come not, or if he come and say nothing to discharge or stay the Execution, then he shall have a Writ of Fieri facias directed to the Sheriff, commanding him to levy by the Debt or Damgages of the Goods of him that hath lost.

Scire facias est un Brief judicial issuant hors de Record, & gift lou un ad recover Dette ou Damgages en Court le Roy, & il ne sue pas d' aver Execution deins l'an & le jour; donques aps l'an & jour il avera le dit Brief a garner le partie: & si le partie ne vient, ou si vient & ne scavoit riens dire enconter Execution, donques il avera un Brief de Fieri facias direct al Viscount, luy commandant que il leve le Dette ou les Damgages des Biens d' celuy q avoit perdue.

The Writ of Fieri facias lies

Le Bfe de Fieri facias gift deins

deins l' an, sans aucun *Scire facias* fuer.

Auxy si le somme d' mesme le Dette ou Dammages ne poit estre levie des Biens de celuy q' avoit p'due, donques il poit aver un B're d' *Elegit*, direct al Viscount, que il face luy deliver la moietie de sa T're & Biens, except ses Boves & affries de sa Carue.

Quant un ad recover Det ou Dammages en Action p'sonal, (lou le Proces est ũ *Capias*) il poit aver ũ auter B're d' Execution, appel *Capias ad satisfaciendum*, pur prendre le Corps celuy q' est issint condempne, que serra commit al prison, illonques a demurrer sans Baile ou mainprise, tanq' il ad satisfie le partie.

Aux quant un ad Judgeint de recóver ascun Terres ou Tenements, il avera un B're appel *Habere facias seisinam*, direct al Viscount, luy commandant de deliver a luy Seisin de mesme le Terre issint recover. Veies plus d' ceo en les Titles *Fieri facias*, & *Execution*.

Scot.

Scot est, quierum esse de Squadā Consuetudine, sicut de comuni Tallagio facto ad opus Vic' vel Balliv' ejus.

within the year, without any *Scire facias* sued.

Also if the summe of the same Debt or Dammages may not be levied of the Goods of him that hath lost them, he may have a Writ of *Elegit*, commanding the Sheriff to deliver him the one half of his Lands and Goods, except his Oxen and implements of Plow.

When one hath recovered Debt or Dammages in an Action personal, (where the Process is a *Capias*) he may have another Writ of Execution, called a *Capias ad satisfaciendum*, to take the Body of him that is so condemned, which shall be committed to prison, there to abide without Bail or mainprise, till he hath satisfied the party.

And when one hath Judgment to recover any Lands or Tenements, he shall have a Writ called *Habere facias seisinam*, directed to the Sheriff, commanding him to deliver to him Seisin of the same Land so recovered. See more of that in the Titles *Fieri facias*, and *Execution*.

Scot.

Scot is, to be quit of a certain Custom, as of common Tallage made to the use of the Sheriff or Bayliff.

Scotale.

Scotale.

Scotale.

Scotale is an Extortion prohibited by the Statute of Charla de Foresta, cap. 7. and it is where any Officer of the forrest keeps an Alehouse, to the intent that he may have the custome of the inhabitants within the forrest, to come and spend their money with him, and for that he shall wink at their offences committed within the forrest.

Scotale est un Extortion Sprohibit per le Charta del Forrest, cap. 7. & est lou ascun Officer del Forrest tenuit un Alehouse, al intent q̄ poit aver le custome des inhabitants deins le Forrest, de vener & expender lour deniers ove luy, & pur ceo il connivet a lour offences comise deins le Forrest.

Se defendendo.

Se defendendo.

SE defendendo is a Plea for him that is charged with the death of another, saying, that he was driven unto that which he did, in his own defence. Stamf. Pl. Cor. lib. 1. cap. 7.

SE defendendo est un Plee Sp̄ luy q̄ est charge ove le mort de un autre, disant q̄ il fuit compelle a ceo que il faisoit, en son defence mesme. Stamf. Pl. Cor. lib. 1. cap. 7.

Seigniori in Grosse.

Seigniorie en Grosse.

Seigniori in Grosse. See Lord in Grosse.

Seigniorie en Grosse. Veies Lord en Grosse.

Selion.

Selion.

SElion comes of the French Selion, that is, the Ground rising between two furrows, in Latine Parca a Ridge; and it is not of any certain quantity, but sometimes more, and sometimes lesse. And therefore Crompton in his Jurisdiction of Courts, fol. 221. saith that a Selion cannot be demanded, because it is uncertain.

SElion (Selio) venust del Francois Sellon, id est, Terra elata inter duos sulcos, en Latine Parca; & nest dascun certaine quantitie, mes ascun foits containe plus, & ascun foits meins. Et pur c' Crompton en son Jurisdiction des Courts, fol. 221. dit q̄ un Selion ne poit estre demand, co q̄ est uncertaine.

Senshal.

Seneschal.

Seneschal (*Senescallus*) est un *Spol François* emprant del *Germanois*, & signifie un q a-voit le dispensation del Justice en asc' p'icular cases: come *Stamf. Pl. Cor. fo. 152. B.* le grād Seneschal del *Angleterre*, ou des affaires dun Familie, cōc *Crompton's Jurisdiction*, f. 102. Seneschal de *Hôtel le Roy*, & le *Star. de 25 E. 3. Stat. 5. c. 21. & auts.*

Seneschal.

Seneschal (Steward) is a French word borrowed of the Germans, and signifies one that hath the dispensing of Justice in some particular cases: as *Stamf. Pl. of the Cr. fol. 152. B.* the High Steward of England, or of the affairs of a family, as *Crompton's Jurisdiction*, fol. 102. Steward of the King's Household, and 25 E. 3. Stat. 5 cap. 21. and others.

Sequestration.

Sequestration est le Mitter a part dun chose in cōtroverisie del possession d'ambideux q contend pur eco. Est use auxy p' le act dun Ordinary, qnt nul voit intromitter ove les biens & chaf dun q est mort, come en 4 & 5 M. Dyer fol. 160 b. & 7 Eliz. Dyer fo. 232. a. Et issint est use auxy p' le Collect' des fruits & profits dun Benefice q est void, al use del procheine Incumbent, per le Statute de 28 H. 8. cap. 11.

Sequestration.

Sequestration is the Setting aside of a thing in controverisie from the possession of both those that contend for it. It is used also for the act of an Ordinary, when no man will meddle with the goods and chattels of one deceased, as 4 & 5 M. Dyer fol. 160. b. & 7 Eliz. Dyer 232. a. And so it is used also for the Gathering of fruits and profits of a Benefice void, for the use of the next Incumbent; by the Statute of 28 H. 8: cap. 11.

Service de Chevalier.

Tener per Service de Chevalier est, a tener per Homage, Fealty, & Escuage; & treit a luy Gard, Marriage, & Relief.

¶ Et nota, q Service de Chevalier est Service d' Terres ou

Knight's Service.

To hold by Knight's Service is, to hold by Homage, Fealty, & Escuage; and it draws to it Ward, Marriage, and Relief.

¶ And note, that Knight's Service is Service of Lands or Tenes

Tenements, to bear arms in War in defence of this Realm; and it owes Ward and Marriage, by reason that none is able, nor of power, nor may have knowledge to bear arms, before he be of the age of xxi. years. And to the end that the Lord shall not lose that which of right he ought to have, and that the power of the Realm be nothing weakened, the Law wills, because of his tender age, that the Lord have him and his Lands in his Ward till full age, that is to say, xxi. years.

But see the Stat. 12 Car. 2. cap. 24. whereby all Tenures are turned into free and common Socage.

Sessions.

Sessions is a Sitting of Justices in Court upon their Commission: as the Sessions of Oyer and Terminer, Stamf. Pl. Cor. fol. 67. Quarter Sessions, otherwise called General Sessions, or open Sessions, 5 El. c. 4. opposite whereunto are Privy or especiall Sessions, which are procured upon some especiall occasion, for the speedy expedition of Justice, Crompt. Justice of P. fol. 110. What things are enquirable in General Sessions, see Crompt. as above, and fol. 109. Petit Sessions, or Statute Sessions, are held by the high Constables of every Hundred, for the placing of Servants. An. 5 El. cap. 4. in the end.

Tenements, pur armes porter en Guerre en defence del Royalm; & doit Garde & Marriage appent, p reason q nul est able, ne de power, & ne poit aver conusance de arms porter, devant q il soit del age de 21. ans. Et al fine que le Sñr ne perdera, ceo q de droit il poit aver, & q la power de la Royalm en rien ne soit enseble, la le Ley voer, p cause de son tender age, q le Sñr luy avera en la Gard tanque al pleine age de luy, cestascavoir, 21. ans.

Mes veies le Stat. 12 Car. 2. cap. 24. p quel tout Tenures sont verse en free & common Socage.

Sessions.

Sessions est un Seiance des Justices en Court sur leur Commission: come les Sessions de Oyer & Terminer, Pl. Cor. fo. 67. Quarter Sessions, auterint appel General Sessions, ou overt Sessions, 5 El. c. 4. encunt queux sont Private ou especial Sessions, q sont peure p asc especial occasion, p le plus subite fessace de Justice, Crompt. Just. de P. fo. 110. Queux choses sont enquirable en General Sessions, veies Crompt. ut supra, & fo. 109. Petit Sessions, ou Statute Sessions, sont tenus p le hault Cōstable de chesc Hundred, p le placing de Servants. An. 5 El. c. 4. in fine.

Severance.

Severance.

Severance est le Mitf hors de un ou plusors que sont joyne en un Brief : Come si deux sont joyfi en un Bfe De libertate probanda, & puis lun soit nonluit, en cest case Severance est permit, issint q nient obstant le Nonluit de lun le aut poit severalsmt proceed, F. N. B. fo. 78. De ceves Brook, tit. Severance & Summons, f. 238. Car est plus dur a cognoistre en queux cases Severance est pmit, q quel y est. La est auxy Severance en Affise, Veil Livre d' Entries, f. 81. col. 4. Et Severance en Attaint, f. 95. col. 2. Et Severance en Det, f. 200. col. 1. Et Severance en Quare impedit, Coke lib. 5. f. 97.

Sewers.

Sewers semble destre un Sparol compound des deux parols Francois, Seoir, sedere, & Eau, Aqua, pur ceo que les Sewers sont Commissioners q seont, per virtue de leur Commission & authority fowndue sur divers Statutes, d' inquire de routs Nusances & offences faitz per lestopper des Rivers, erecter des Molins, non repairer des Banks & Bridges, &c. & pur taxer & raf tous qux poit cöcern, p le amender des routs defaults que sont al

Severance.

Severance is the Singling of Stwo or more that are joyned in a writ : As if two are joyned in a writ De libertate probanda, and the one afterward is non=luited, in this case Severance is permitted, so that notwithstanding the Nonluit of the one, the other may alone proceed. F. N. B. fol. 78. Of this Brook, tit. Severance & Summons, fol. 238. For it is harder to know in what cases Severance is permitted, then what it is. There is also Severance in Assise, Old Book of Entries, fol. 81. col. 4. And Severance in Attainr, fol. 95. col. 2. And Severance in Debt, fol. 200. col. 1. And Severance in Quare impedit, Coke lib. 5. fol. 97.

Sewers.

Sewers seems to be a word scompounded of two French words, Seoir, to sit, and Eau, Water, for that the Sewers are Commissioners that sit, by virtue of their Commission and authority grounded upon divers Statutes, to enquire of all Nusances and offences committed by the stopping of Rivers, creating of Mills, not repairing of Banks and Bridges, &c. and to tax and rate all whom it may concern, for the amending of all defaults which tend to the hindrance

hindrance of the free passage of the Water through her old and ancient courses. See the Statute of 6 H. 6. cap. 5. & 23 H. 8. cap. 5. for the form of their Commission.

hindrance del frank passage del Eau per ses vieux & ancient curreants. Veies le Stat. 6 H. 6. cap. 5. & 23 H. 8. cap. 5. p^r le forme de leur Commission.

Shack.

Shack is a peculiar name of Common used in the County of Norfolk; and Cattel go to Shack, is as much to say as to go at liberty, or to go at large. In this Common called Shack, which in the beginning was but in nature of a Feeding, because of vicinage, for avoiding of Suits, in some places within this County is by custom altered into the nature of Common appendant or appurtenant, and in some places it retains its originall nature. Cok. lib. 7. fol. 5.

Shack.

Shack est un peculiar nom d^e Comon use en le Pays de Norfolk, & Avers de aler a Shack, est tant adire come de aler a libertie, ou de aler alarge. Et cest Common appelle Shack, q^u en le Comencement fuit forsq^u en nature de un Feeding, pur cause de vicinage, p^r avoiding d^e Suits, en ascuns lieux deins cest Pays est p^r custome alter en nature dun Common appendant ou appurtenant, & en ascun lieux c^o retaine son original nature. Cok. l. 7. f. 5.

Shewing.

Shewing is, to be quit with Attachment in any Court, and before whomsoever, in Plaints shewed, and not adjoined.

Shewing.

Shewing est, quietum esse Scum Attachiamiento in aliqua Curia, & coram quibuscunque, in Querelis ostensis, & non advocat.

Soc.

SOC is Suit of men in your Court, according to the custom of the Realm.

Soc.

SOC est Secta de homin^u Sin Curia vestra, secundum consuetud^{em} Regni.

Soccage.

TENER en Soccage est, a tener d' aucun Seignieur Terres ou Tenemens, rendant a luy un certaine Rent par tous maniers des Services.

Tener per Soccage nest pas ten per Service de Chevalier, ne la appent Gard, Marriage, ne Relief: mes ils doubleront un fois leur Rent apres l' mort leur Ancestor, selonque ceo q' soloyent payer a leur Seignieur.

Et ils ne ferreront ouster mesure greeves, come il appiert en le *Treatise de Gards & Relief*.

Et nota, que Soccage est en trois maniers; cestasc', Soccage en frank Tenure, Soccage en ancient Tenure, & Soccage en base Tenure.

Soccage en frank Tenure est, quant un tient de un p' Fealty & certaine Rent par tous maniers d' Services, come devant est dit.

Et de tous Terres tenus en Soccage le procheine amy avera le Garde, a que le Heritage ne purra my descend ranque al age le Heire del xiv. ans: cestascavoir, si le Heritage veign per le part le Pere, ceux del part le Mere averont le Gard; & contra.

Si Gardian en Soccage fait Waste, il ne serra my impeache de Waste, mes il

Soccage.

TO hold in Soccage is, to hold of any Lord Lands or Tenements, yielding him a certain Rent by the year for all manner of Services.

To hold by Soccage is not to hold by Knight's Service, nor doth Ward, Marriage, or Relief belong to it: but they shall double once their Rent after the death of their Ancestor, according to that that they be wont to pay to their Lord.

And they shall not be able measure grieved, as it appears in the *Treatise of Wards and Relief*.

And note well, that Soccage is in 3. manners; that is to say, Soccage in free Tenure, Soccage in ancient Tenure, and Soccage in base Tenure.

Soccage in free Tenure is, when one holds of another by Fealty and certain Rent for all manner of Services, as is before said.

And of all Lands holden in Soccage the next of kin shall have the Ward, to whom the Heritage may not descend till the age of xiv. years: that is to say, if the Heritage come by the part of the Father, they of the part of the Mother shall have the Ward; and contrariwise.

If the Gardian in Soccage make Waste, he shall not be impeached of Waste, but he shall

shall yield accompt to the Heir when he shall come to his full age of xxi. years: for which see the Statute of Marlebridge ca. 17.

Soccage of ancient Tenure is that where the people held in Ancient Demesne, who were wont to have no other Writ then the Writ of Right close, which was determined According to the Custom of the Mannor, & the Monstraverunt, to discharge them when their Lord distrains them to doe other Services then they ought.

This Writ of Monstraverunt ought to be brought against their Lord: and these Tenants hold all by one certain Service, and are free Tenants of Ancient Demesne.

Soccage in base Tenure is, where a man holds in Ancient Demesne, that may not have the Monstraverunt, and for that it is called the base Tenure.

Sockmans.

Sockmans are the Tenants in Ancient Demesne, that held their Lands by Soccage, that is, by Service with the Plow, and therefore they are called Sockmans, which is as much to say as Tenants or men that hold by Service of the Plow, or Plowmen: for Sok signifies a Plow.

And these Sockmans, or Tenants in Ancient Demesne, have many and divers Liberties given and granted them by the Law, as well those Te-

rendra accompt al Heire quant il viendra al pleine age d'xxi. ans. Et veies l' Stat. de Marlebridge ca. 17. pur cest matter.

Soccage de ancient Tenure est ceo lou les gentz tenoyent en Ancient Demesne, que ne soloyent auter Bfe avoir q le Bfe de *Droit close*, q fuit determine *Secundum Consuetudine Manerii*, & l' *Monstraverunt*, pur eux discharge quant leur Sñr eux distraint p faire auters Services q duissent.

Cest Brief d' *Monstraverunt* doit estre port envers leur Sñr: & ceux Tenants teignent tous pur un certaine Service, & sont franke Tenants de Ancient Demesne.

Soccage en base Tenure est, lou home tient en Ancient Demesne, que ne poit aver le *Monstraverunt*, & pur ceo il est appel le *base Tenure*.

Sockmans.

Sockmans sont les Tenants de Ancier Demesne, queux tient leur Terres p Soccage, cest adire, p Service del Carue, & pur c'ils sont appelle *Sockmans*, que est tant adire come Tenants ou homes queux tient per Service del Carue, ou hoes del Carue: Car Sok signifie un Carue.

Et ceux *Sockmans*, ou Tenants en Ancient Demesne, ont plusors & divers Liberties done & grant a eux p l' Ley, cybien ceux Te-

nants qux tient de un comon person, come ceux qux tient del Roy é Ancient Demesne; come noismement destre quite de payer Toll en chescun Market, Faire, Ville, Citie, per tout le Royalme, cybien p^r leur Biens & Chattels que ils vende as auters, come pur ceux choses que ils achate- rount p^r leur provision. Et sur ceo chescun de eux poit suer de aver Letters Patents des- fous le Seale le Roy, directe a ses Officers, & al Maiors, Bailifes, & auters Officers en le Royalme, d^e suffer eux destre quit de Tolle: destre exempt del Leets & d^e Turns de Vic': item destre quit de Pontage, Murage, & Passage; & auxy de Taxes & Tallages grant p^r Parliament, sinon que l' Roy taxe Ancient De- mesne, come il poit a son pleasure, pur grand cause: destre quit de payment a les expences del Chivalers del Shire, queux vient al Parli- ament.

Et si le Viscount voile dis- streyner eux, ou ascun d^e eux, destre contributorie pur leur Terres en Ancient Demesne, donques l' un d^e eux, ou tous, come le case require, poit suer un Brief directe al Viscount, luy com- mandant que il ne compelle eux destre contributories al expences de Chivalers. Et en le Brief luy command auxy, que si il ad distraine eux

nants that hold of a common person, as those that hold of the King in Ancient Demesne; as namely to be free from pay- ing Toll in every Market, Fair, Town, and City, throughout the whole Realm, as well for their Goods and Chattels that they sell to o- thers, as for those things that they buy for their provision. And thereupon every of them may sue to have Letters Pa- tents under the King's Seal, directed to his Officers, and to the Maiors, Baylifs, and other Officers in the Realm, to suffer them to be Toll-free: to be exempt from Leets and Sheriffs Turns: also to be quit of Pon- tage, Murage, and Passage; as also of Taxes and Tallages granted by Parliament, except that the King tax Ancient De- mesne, as he may at his plea- sure, for some great cause: to be free from payments toward the expences of the Knights of the Shire, that come to the Parliament.

And if the Sherif will dis- train them or any of them, to be contributory for their Lands in Ancient Demesne, then one of them, or all, as the case re- quires, may sue a Writ directed to the Sherif, commanding him that he do not compell them to be contributory to the expences of the Knights. And the same Writ doth com- mand him also, that if he have already distrained them there-

therefore, that he redeliver the same Distress.

Also that they ought not to be impannelled, nor put in Juries and Enquests in the Country out of their Mannor or Lordship of Ancient Demesne, for the Lands that they hold there, (except that they have other Lands at the Common Law, for which they ought to be charged.) And if the Sherif do return them in Pannels, then they may have a Writ directed to him *De non ponendis in Assisis & Juratis*: And if he do the contrary, there lies an Attachment against him.

And so it is also if the Bailiffs of Franchises, that have Return of Writs, will return any of the Tenants which hold in Ancient Demesne in Writs of Juries.

Spoliation.

Spoliation is a Suit for the Fruits of a Church, or for the Church it self; & it is to be sued in the Spiritual Court, and not in the Temporal. And this Suit lies for one Incumbent against another, where they both claim by one Patron, and where the right of the Patronage doth not come in question or debate. As if a Parson be created a Bishop, and hath dispensation to keep his Benefice, and afterward the Patron presents another Incumbent, which is instituted

pur ceo, que il redeliver in le Distresse.

Item que ils ne deveront estre impannel, ne mis en Juries & Enquests en le Pays hors de leur Mannor ou Seigniorie de Ancient Demesne, p^r les Terres queux ils teigne la, (sinon que ils ont auters Terres al Common Ley, pur queux il deveront estre charge.) Et si le Viscount retourne eux en Pannels, donques ils poyent aver un Brief direct a luy *De non ponendis in Assisis & Juratis*: Et sil face al contrary, y gist Attachment envers luy.

Et issint est auxy si les Bailiffs des Franchises, queux ont Return des Briefs, voile retourne aucun del Tenants queux teign en Ancient Demesne en Assises ou Juries.

Spoliation.

Spoliation est un Suit p^r les Fruits dun Eglise, ou pur le Eglise mesm; & est destre sue en le Spiritual Court, & nemy en le Temporal. Et cest Suit gist pur un Incumbent envers un autre, lou ils ambideux claime per un Patron, & lou le droit del Patronage ne vient en question ou debate. Cōe si un Parson soit cree ū Evesque, & ad dispensation de reñ son Rectorie, & puis l' Parron pñent auf Encumbēt, q^u est institute

& induct; ore le Eveſque poit aver envers ceſtuy Encumbēt un *Spoliation* en le Spiritual Court, pur ceo que ils ambideux claime p un Patron, & le droit del Patronage ne viēt en debate, & p ceo que le aut Encumbent vient al poſſeſſion del Beneficē per le courſe del Ley Spiritual, ceſtaſcavoir, per Inſtitution & Induction, iſſint que il ad colour de aver ceo, & deſtre Parſon per le Spiritual Ley: car autrement, ſil ne ſoit inſtitute & induct, &c. *Spoliation* ne giſt envers luy, mes pluſtoſt un Brief de Treſpaſſe, ou un Aſſiſe de *Novel diſſeiſin*, &c.

Iſſint auxy eſt lou un Parſon que ad Pluralitie accept auter Benefice, per reaſon de que le Patron preſent un aut Clerk, que eſt inſtitute & induct: ore le un de eux poit aver *Spoliation* envers le auter, & donques viendra en debate ſi il ad un ſufficient Pluralitie ou non. Et iſſint eſt de Deprivation, &c.

Meſme le ley eſt, ou un dit a le Patron, que ſon Clerke eſt mort, ſur que il preſent un auter: la le primer Encumbent, que ſuit ſurmſe deſtre mort, poit aver un *Spoliation* envers le auter. Et iſſint en divers auters ſēblables caſes, de ques veies *Fitz. Natura Br. fo. 36. G. &c.*

and inducted: now the Biſhop may have againſt that Incumbent a *Spoliation* in the Spiritual Court: becauſe they claim both by one Patron, and the right of the Patronage both not come in debate, and becauſe the other Incumbent came to the poſſeſſion of the Benefice by the courſe of the Spiritual Law, that is to ſay, by Inſtitution and Induction, ſo that he hath colour to have it, and to be Parſon by the Spiritual Law: for otherwiſe, if he be not inſtituted and inducted, &c. *Spoliation* lies not againſt him, but rather a Writ of Treſpaſs, or an Aſſiſe of *Novel diſſeiſin*, &c.

So it is alſo where a Parſon who hath a Plurality both accept another Benefice, by reaſon whereof the Patron preſents another Clerk, who is inſtituted and inducted: now the one of them may have *Spoliation* againſt the other, and then ſhall come in debate whether he has a ſufficient Plurality or not. And ſo it is of Deprivation, &c.

The ſame law is, where one ſaith to the Patron, that his Clerk is dead, whereupon he preſents another: there the firſt Incumbent, who was ſuppoſed to be dead, may have a *Spoliation* againſt the other. And ſo it is in divers other like caſes, whereof ſee *Fitz. Natura Br. f. 36. G. &c.*

Stablestand.

Stablestand is a term of the Forreſt Laws, when one is found ſtanding in the Forreſt with his Bow bent ready to ſhoot at any Deer, or with his Greyhounds in a Leafe ready to ſlip. See Manw. Forreſt Laws, cap. 18. fo. 133. b.

Stableſtand.

Stableſtand eſt un terme ſdel Forreſt Leys, quant un eſt trouve eſteant en l'Forreſt ove ſon Arc tend priſt de eſcocher al un Dame, ou oveſque ſes Levriers en un Leſſe priſt de gliſſer. Veies Manw. For. Leys, ca. 18. fo. 133. b.

Stallage.

Stallage ſignifies money paid for pitching Stalls in fairs or Markets, or the right of doing it.

Stallage.

Stallage ſignifie argent paye pour pitching Stalles in Nundinis & Mercat, ou le droit de ceo faiſant,

Standard.

Standard. See Eſtandard.

Standard.

Standard. Veies Eſtandard.

Statute-Merchant.

To hold by Statute-Merchant is, where a man acknowledges to pay money to another at a certain day before the Mayor, Bailif, or other Wardens of any Town that hath power to make execution of the ſame Statute, and if the Obligor pay not the Debt at the day, and nothing of his Goods, Lands or Tenements may be found within the Ward of the Mayor or Warden aforeſaid, but in other places without, then the Recogniſee ſhall ſue the Recogniſance and Obligation with a Certification

Statute-Merchant.

Tener per Statute-Merchant eſt, lou hœc conuſt a payer deniers a un auter a certaine jour devant l'Maior, Bailif, ou auter Gardien de ſcun Ville que ad poyar de faire execution de meſme le Statute, & ſi le Obligor ne paya le Det a le jour, & rien de ſes Biens, Terres ou Tenements ne purront eſtre troves deins le Gard le Maior ou Gardien ayandit, mes en auters lieux dehors, donques le Recogniſee ſuera le Recogniſance & Obligation ove un Certification

a la Chancery desouth le Seale le Roy, & il avera hors de la Chancery un *Capias* al Viscount del Countey lou il est, de luy prender, & mitter luy en prison, si il ne soit Clerke, ranque il ad fait gree de la Dette. Et un quarter de le an apres ceo que il serra prise, il avera la Terre deliver a luy mesme, pur faire gree a le partie de le Dette : & il poit vender sa Terre ranque il est en prison, & son vendition serra bone. Et si il ne face gree deins le quarter dun an, ou sil soit retourne que il nest trove, & si il ne soit Clerke, adonques le Recognisee poit aver Brief de le Chancery, appel *Extendi facias*, dire a al aucun Viscount, de extender les Terres & Biens, & les Biens a luy deliver, & luy seiser en ses Terres, a tener eux a luy, ses Heires & Assignes, ranq le Debt soit levie ou pay ; & pur cel temps il est Tenant p Statute-Merchant.

Nora, que en un Statute-Merchant le Recognisee avera Execution de tous les Terres que le Recognisor avoit jour de la Recognissance fait, & aucun temps puis, per force de m le Statute.

Et quant aucun Waste ou destruction est fait per le Recognisee, ses Executors, ou celuy q ad son Estate, le Re-

to the Chancery under the King's Seal, and he shall have out of the Chancery a *Capias* to the Sheriff of the County where he is, to take him, and to put him in prison, if he be not a Clerk, till he have made satisfaction for the Debt. And one quarter of a year after he is taken, he shall have his Land delivered to himself, to make gree to the party for the Debt : and he may sell his Land while he is in prison, and his sale shall be good. And if he do not make satisfaction within a quarter of a year, or if it be returned that he is not found, and if he be not a Clerk, then the Recognisee may have a Writ out of the Chancery, called *Extendi facias* ; directed to any Sheriff, to extend his Lands and Goods, and to deliver the Goods to him, and to seise him in his Lands, to hold them to him, his Heirs and Assigns, till the Debt be levied or payed ; and for that time he is Tenant by Statute-Merchant.

Note, that in a Statute-Merchant the Recognisee shall have Execution of all the Lands which the Recognisor had the day of the Recognissance made, and any time after, by force of the same Statute.

And when any Waste or destruction is made by the Recognisee, his Executors, or him that hath his Estate, the Recognisor

cognisor or his Heirs shall have the same Law, as is before said of the Tenant by Elegit.

If Tenant by Statute-Merchant hold over his term, he that hath right may sue against him a Venire fac' ad computandum, or else enter immediately, as upon Tenant by Elegit. See the Statute 11 E. 1. and of Acton Burnel, and 13 E. 1. de Mercatoribus.

Sterbrech.

Sterbrech, alias Strebrech, is the Breaking, Obstruung, or making less of a Way.

Stilyard.

Stilyard is a word used in the Statute of 22 H. 8. chap. 8. where the Hans-Merchants are called the Merchants of the Stilyard, which is a place in London where those Merchants or their Brotherhood had their abode. And the House is said to be so called, because built upon a Court-yard near the Thames, where Steel was wont to be much sold.

Suffragan.

Suffragan is a word used in the Statute of 26 H. 8. cap. 14. and signifies a titular Bishop appointed to aide and assist the Bishop of the Dioces in his Spiritual Function. And he is called Suffraganeus in Latin,

cognisor ou ses Heires auront mesme la Ley, come est susdit d' le Tenant p Elegit.

Si le Tenant p le Statute-Merchant tient ouster son terme, cestuy que ad droit poit suer envers luy un Venire fac' ad computandum, ou enter tantost, sicome sur Tenant p Elegit. Veies l' Statute 11 E. 1. & de Acton Burnel, & 13 E. 1. de Mercatoribus.

Sterbrech.

Sterbrech, alias Strebrech, Si. *Via Fractio, Obstructio, vel diminiutio.*

Stilyard.

Stilyard est un parol use en le Statute de 22 H. 8. cap. 8. ou les Merchants *Tentonicks* sont appellees les Merchants del Stilyard, que est un lieu e Londres ou ceux Merchants ou le Fraternity deux ad leur abode. Et c' Meas est dit destre issint appel, p c' q edifie sur un Court pres le Thames, ou Acier soloit destre usualment vendus.

Suffragan.

Suffragan est un parol use e le Statute de 26 H. 8. cap. 14. & signifie un titular Evesq, ordeine de ayder & assister l' Evesq des Dioces en son Spiritual Function. Et est appel *Suffraganeus* en Latine, pur

pur ceo q per son Suffrage
Ecclesiastical causes sont este
adjudges.

because by his Suffrage Eccle-
siastical causes are to be ad-
judged.

Sumage.

Sumage.

Sumage semble destre Toll
Spur Carriage per chival.
Crompt. Jurisd. f. 191.

Sumage seems to be Toll
Spur Carriage on horseback.
Crompt. Jurisd. f. 191.

Summons ad warranti- zandum, &c.

Summons ad warranti- zandum, &c.

*Summons ad warrantizan-
dum, & Sequatur sub suo pe-
riculo* : Veies de ceux apres en
le Title *Voucher*.

*Summons ad warrantizandum,
Sand Sequatur sub suo periculo* :
See of them after in the Title
Voucher.

Superfedeas.

Superfedeas.

Superfedeas est un Bfe que
Sgist en divers cases, come
appiert p F. N. B. f. 236. A.
mes est tous foits u Precept
Prarier ase^r Processu e Ley,
q auterment doit ordinariment
pceeder.

Superfedeas is a writ that lies
Sin divers cases, as appears
by F. N. B. f. 236. A. but it is al-
ways a Command to stay some
ordinary proceeding in Law,
which ought otherwise to pro-
ceed,

Supplicavit.

Supplicavit.

Supplicavit est un Brief is-
suant hors del Chancerie
direct al Viscount & ascuns
Justices del Peace e le Coun-
tie, ou al un ou plus Justices
del Peace sans le Vise^r, pur le
prendre del Suretie d'un tiel
vers q est prie, que il gardera
le Peace : & ceo est p le Sta-
tute 1 E. 3. c. 16. Veies F. N. B.
f. 80. C. & veies ore le Statute
de 21 Jac. c. 8.

Supplicavit is a writ issuing
Sout of the Chancery directed
to the Sherriff and some Just-
ices of the Peace in the County,
or to one or more Justices with-
out the Sherriff, for taking
Surety of such a one as it is
prayed against, that he should
keep the Peace : and this is by
the Statute of 1 E. 3. c. 16. See
F. N. B. f. 80. C. and see the Stat.
21 Jac. c. 8.

Sur cui in vita.

Sur cui in vita is a writ that lies for the Heir of an Inheritor, whose husband aliened the Inheritance of his wife, and the wife died before she recovered it in a Cui in vita. See for this F.N.B. 194.C.

Sur cui in vita.

Sur cui in vita est un Bfe q Sgift p l'Heire d'un Inheritor, lou le baron alien l'Inheritance la feme, & le feme morust devant q el ad ceo recover e un Cui in vita. Veies de ceo F.N.B. f. 194.C.

Surplusage.

Surplusage comes of the French Surplus, that is an Overplus, and signifies in the Law an Addition of more then needs, which sometimes is the cause that a writ shall abate, but in pleading many times it is absolutely void, and the residue of the Plea shall stand good.

Surplusage.

Surplusage venust del Fransa. S'cois Surplus, id est, Additamentum, & signifie e le Ley u Addition plus q besoigne, q aucun foits est le cause q un Bfe abate, mes en pleader mults foits est absolument void, & le residue del Plea estoyra bon.

Surrejoinder.

Surrejoinder is an Answer to the Defendant's Rejoinder, or a second enforcing of the Plaintiff's Declaration.

Surrejoinder.

Surrejoinder est un Responsal Rejoind del Defendar, ou un second enforcement del Declaration le Plaintife.

Surrender.

Surrender is the Consent of a particular Tenant, that he in the Reversion or the Remainder shall presently have the possession. And this is either a Surrender in Deed by an actual yielding up of the Estate; or in Law, by the taking of a new Lease, or such other act. See of this Perkins, c. 9.

Surrender.

Surrender (*Sursamreddicio*) s'est le Consent d'un particulier Tenant, q cestuy en le Reversion ou le Remainder viendf maintenant al possession. Et ceo est ou u Surrend e Fait p u actual redoner del Estate; ou e Ley, p acceptance d'un novel Lease, ou tiel aut act. Veies de ceo Perkins, c. 9.

Swainmote.

Swaïamote, ou Swannimote, Sest un Court tenu trois foies ē un an deins ū Forrest; p le Statute de *Charita de Foresta*, c. 8. p tous les Franktenants del Forrest; car issint l' Etymologie del pol monstre; Mote ē le language *Normanois* signifiant ū Court, & *Swaine* ē le *Saxon* ū Charterer, ou Franktenant: issint q̄ *Swainmote* est le Court des Franktenants. Veies d' c' *Manw. Fo. Leys*, c. 23. f. 217. &c. alarge.

Syb & Som.

SYb & Som, i. Pax & Securitas. *L.L. Eccles. Canuti Regis*, c. 17.

Swainmote.

SWainmore, oꝝ Swannimote, is Sa Court held thrice in a year within a Forrest, by the Statute of *Charita de Foresta*, c. 8. for all the freeholders of the Forrest; for so much the Etymology of the word imports; Mote in the Norman speech signifying a Court, and Swayn in the Saxon a Charterer, oꝝ freeholder: so that Swainmore is the Court of the freeholder. See of this *Manwood's Forrest Laws*, c. 23. f. 217. &c. at large.

Syb & Som.

SYb & Som, i. Peace and Security. *L.L. Eccles. Canuti Regis*, c. 17.

T.

Fee-taile.

Tener en le Taile est, lou home tient certain Terres ou Tenements a luy & a ses Heires d' son corps engenders.

Si le Terre soit done a un home & a ses Heires males, & il ad issue male, il ad Fee-simple; q̄ suit adjudge ē Parliament. Mes lou Tfes ou Tenements sont dones a un hōc & a ses Heires males de son corps engendrés, il ad

T.

Fee-Taile.

To hold in the Taile is, where a man holds certain Lands oꝝ Tenements to him and to his Heirs of his body begotten.

If the Land be given to a man and to his Heirs males, and he hath issue male, he hath Fee-simple; which was adjudged in Parliament. But where Lands are given to a man and to the Heirs males of his body begotten, then he hath Fee-

Fee-taile, and the issue female shall not inherit, as appears in the 14 year of E. 3. in an *Assise* 18 E. 3. 45.

Fee-taile is, where Land is given to a man and the Heirs of his body begotten; and he is called *Tenant in Taile general*.

If Lands are given to the husband and the wife, and the Heirs of their two bodies begotten, then the husband and the wife are *Tenants in Tail special*. And if one of them die, he that survives is *Tenant in Tail* after possibility of issue extinct; and if he make Waste, he shall not be impeached for it. See *Littleton*.

But if the King give Lands to a man and to his Heirs males, and the Donee dies without issue male, then the Cousin collateral of the Donee shall not inherit, but the King shall re-enter: and so it was adjudged in the *Exchequer-chamber*, 18 H. 8. in an *Information* made against the Heir of Sir T. Lovel Knight.

Tail after possibility.

To hold in the Tail after possibility of issue extinct is, where Land is given to a man and his wife, and to the Heirs of their two bodies engendred, and one of them overrides the other without issue between them begotten; he shall hold the Land for term of his own life.

Fee-taile, & l'issue female ne serra inherite; ut patet *Anno* 14 E. 3. en un *Assise* 18 E. 3. 45.

Fee-taile est, lou Terre est done a un home & a ses Heires de son corps engendres; & il est dit *Tenant en le Taile general*.

Si Terte soit done al baron & feme, & al Heires de lour deux corps engendres, ore le baron & la feme sont *Tenants en le Taile especial*. Et si un d'eux devie, cestuy q survive est *Tenant e le Tailé* apres possibilitie d'issue extinct; & si il face Waste, il ne serra impeach de ceo. Vide *Littleton*.

Mes si le Roy done Terres a un home & a ses Heires males, & le Donee devie sans issue male; donques le Cousin collateral del Donee ne inheritera, mes le Roy reentra: & issint fut adjudge en l'*Eschequer-chamber* 18 H. 8. en un *Information* fait vers l'Heire de Sir T. Lovel Chivaler.

Taile apres possibilitie.

Tener en le *Taile apres possibilitie* d'issue extinct est, lou Terre est done a un home & sa feme, & a les Heires de lour deux corps engendres, & l'un d'eux survive l'auter sans issue entre eux issuant; il tiendra sa Tfe a terme de sa vie demefne, come

come Tenant en le Taile après
possibilitie d'issue extinct :
& non obstant q'il fait Waste,
il ne serra jamies impeach
de ceo. Et si il alien, celui en
le Reversion ne avera Brief
d' *Entre in consimili casu*, mes
il poit enter, & son Entre
est congeable, per R. Thorpe
chief Justice, 28 E. 3. 96. &
45 E. 3. 25.

Tales.

Tales est un Supplie de
hommes impannellés sur un
Jurie ou enquest, & nient ap-
parant, ou a leur apparance
challenge par le Plaintiff ou
Defendant cōe nient indiffe-
rent, & c'est case le Judge
sur petition granta ū Supplie
desire fait p le Jusc, d'ascuns
hōes la pēnt, egal ē reputa-
tion ove ceux q' fueront im-
pannell : & sur c'le verie act d'
suppliant est appel *Tales de*
circumstantibus. Cest Supplie
puit estre d'un ou pluis, & d'
cy plusors cōe ou serront de-
fault, ou serront challenge p
asc' prie. *Stamf. Plac. Cor. l. 3.*
c. 5. Uncore cestuy q' avoir ad
un *Tales*, ou sur default ou
challenge, comt q'il poit aver
ū aut, uncor il ne poit aver le
darreine de container cy plu-
sors cōe le prim : car le prim
Tales doit estre desouth le
nombre del principal Pannel,
sinon ē ū cause d'Appeale; &
issint chesc' *Tal'* meins q' aut,
jesq' le nombre soit repleit d'

as Tenant in the Tail after
possibility of issue extinct : and
notwithstanding that he do
Waste, he shall never be im-
peached of it. And if he alien,
he in the Reversion shall not
have a writ of Entry in consimili
casu, but he may enter, and his
Entry is lawful, by R. Thorpe
chief Just. 28 E. 3. 96. & 45 E.
3. 25.

Tales.

Tales is a Supply of men im-
pannelled upon a Jury or
Inquest, and not appearing, or
at their appearance challenged
for the Plaintiff or Defendant
as not indifferent, and in this
case the Judge upon petition
grants a Supply to be made by
the Sheriff, of some men there
present, equal in reputation to
those that are impannelled : and
hereupon the very act of supply-
ing is called a *Tales de circum-*
stantibus. This Supply may
be of one or more, and of as ma-
ny as shall either make default,
or else be challenged by each
party. *Stamf. Plac. Cor. l. 3. c. 5.*
Howbeit he that hath had one
Tales, either upon default or
challenge, though he may have
another, yet he may not have
the latter to contain so many as
the former : for the first *Tales*
ought to be under the number of
the principal Pannel, except
in a cause of Appeal ; and so
every *Tales* lesse then other, un-
till the number be made up of
men

men present in Court, and such as are without exception to the party or parties. *See* Stamford in the place before, where you may find some exceptions to this general Rule. *See* Brook, f. 105. and Coke, l. 10. f. 99. *Bewfage's Case*.

hommes present en Court, & tiels q̄ sont sans exception al partie ou parties. *Veies* Stamford e le lieu devant, ou vous poyez trovera ascuns exceptions al cest general Rule. *Veies* Brook, f. 105. & Coke, l. 10. f. 99. *Bewfage's Case*.

Talwood.

Talwood.

Talwood is a term used in the Statutes of 34 & 35 H. 8. c. 3. and 7 E. 6. c. 7. and 43 Eliz. c. 14. and signifies such wood as is cut into short Billets, for the King whereof these Statutes were made.

Talwood est un terme use en les Statutes 34 & 35 H. 8. c. 3. & 7 E. 6. c. 7. & 43 Eliz. c. 14. & signifie tiel Bois q̄ est coupe e brief Billets, p̄ le sizer des queux ceux Statutes fueront ordeines.

Tax & Tallage.

Tax & Tallage.

Tax & Tallage are Payments, as Tents, fifteens, Subsidies, or such like, granted to the King by Parliament.

Tax & Tallage sont Paym̄ts, cōe Dimes, Quinzisms, Subsid', ou tiels seblables, grant al Roy p̄Parliam̄t.

The Tenants in Ancient demesne are quit of these Taxes and Tallages granted by Parliament; except the King do tax Ancient demesne, as he may when he thinks good for some great cause. *See* Ancient demesne.

Les Tenants en Ancient demesne sont quites de ceux Taxes & Tallages grants per Parliament; sinon q̄ le Roy taxe Ancient demesne, come il poit quant a luy pleist pur grand cause. *Veies* Ancient demesne.

Tenant Paravail.

Tenant Paravail.

Tenant Paravail. *See* Paravail.

Tenant Paravail. *Veies* Paravail.

Tenure in capite.

Tenure in capite.

Tenure in capite is, where any hold of the King as

Tenure in capite est, lou asc' tient del Roy come
de

de son Person esteant Roy,
& de son Corone, come
dun Seigniorie per luy
mesme en grosse, & en chiefe
desuis routs auters Seigni-
ories: Et nemy lou ils tient
de luy come de ascun Man-
nor, Honor, ou Castle, si-
non certaine ancient Ho-
nors; ut patet in Scaccario.
Veies le Stat. 12 Car. 2. c. 24.

Termes dans.

TENER a terme dans nest
forsq Chattel en effect;
car nul Action est mainteina-
ble envers Termor qst a re-
coverer le Franktenemr, nul
Franktenemr estant en luy.
Lease a Terme dans est Chat-
tel real, & routs Biens moye-
ables sont Chateils psonals.

Testament.

TESTAMENT est issint define
our expoundi en Plow-
den's Commentaries; *Testa-
mentum est Testatio mentis, &
est compound de ceux deux pa-
rols, Testatio & Mentis, que
issint signifie.* Veray il est, q un
Testament est *Testatio mentis*,
mes q il est un compound pa-
rol, *Aulus Gellius lib. 6. cap.
12. denie ceo al un excellent
Lawyer, Servius Sulpitius, &
dit, q il est un simple parol,
coe sont ceux, Calceamentum,
Paludamentum, Paviamentum,
& divers tiels semblables. Et
mult meins est Agreemen-*

of his Person being King
and of his Crown, as of a
Lordship by it self in grosse,
and in chief above all other
Lordships: And not where
they hold of him as of any
Mannor, Honor, or Castle,
except certain ancient Honors;
which appears in the Exche-
quer. See the Stat. 12 Car. 2.
cap. 24.

Term of years.

TO hold for term of years is
but Chattell in effect; for no
Action is maintainable against
the Termor for recovery of the
freehold, no freehold being
in him. A Lease for Term of
years is a Chattell real, and all
Goods which are removable
are Chateils personal.

Testament.

TESTAMENT is thus defined
in Plowden's Commenta-
ries; A Testament is a Wit-
ness of the mind, and is com-
pound of these two words, *Te-
statio and Mentis*, which so
signifie. Truth it is, that a
Testament is witness of the
mind, but that it is a com-
pound word, *Aulus Gellius lib. 6.
cap. 12. doth deny to an ex-
cellent Lawyer, Servius Sul-
pitius, and saith, it is a sim-
ple word, as are these, Calcea-
mentum, Paludamentum, Pavia-
mentum, and divers such like.*
And much lesse is Agreemen-
tum

um a compound word of Aggregatio and Menium, as is said before in the Title of Agreement; for there is no such Latine word, simple or compound: but it may neverthelesse serve well for a Law-Latine word.

And therefore thus it may better be defined; A Testament is the true declaration of our last Will; in that we would to be done after our death, &c.

Of Testaments there are two sorts, namely, a Testament in Writing, and a Testament in Words, which is called a Nuncupative Testament; which is, when a man being sick, and for fear lest death, want of memory, or speech, should come so suddenly upon him, that he should be prevented, if he said the writing of his Testament, desires his neighbours and friends to bear witness of his last Will, and then declares the same presently by words before them, which after his decease is proved by witnesses, and put in writing by the Ordinary, and then stands in as good force as if it had at the first in the life of the Testator been put in writing: except onely for Lands, which are not devisable but by a Testament put in writing in the life of the Testator.

um un compound parol de Aggregatio & Menium, ainsi est dit en le Title de Agreement; car il ny ad nul tiel Latine parol, simple ou compound: mes, il poit nient obstant serve bien p^r uⁿ Ley-Latine word.

Et p^r c^o il poit assint estre melior define; Testamentum est ultima Voluntatis iuxta sententia, eo quod quis post mortem suam fieri vult, &c.

De Testaments il y ad deux sorts, sc. un Testament en Escrip, & un Testament per Parol, q^{uod} est appelle un Nuncupative Testament; q^{uod} est, quant un homme esteant malade, & p^r pavor que mort, ou fault de memorie, ou de parler, voyt venir cy soudainement sur luy, q^{uod} il serra prevent, si il demurt le scrippure de son Testament, request ses vicinés ou amies de porter testmoigne de son darreigne Volunt, & donques declare ceo presentant per parols devant eux, q^{uod} apres son decease est prove per Testmoignes, & mis en script per le Ordinary, & donques il est en cy bone force come si c^o ad al prim en le vie del Testat est mis en escript: except solemt p^r Terres, q^{uod} ne sont devisable fors q^{uod} p^r un Testament mis en escript e la vie del Testator.

Thanus.

THanus est un pol & asc' foits implia un Noble hoïn, asc' foits un Frank-hôe, un Magistrate, un Officer ou Minister, Lambert verbo *Thanus*. Skene dit, que est un nosme d' dignity, & appiert destre equal ove le firz de un Count. Et *Thanus* fuit un Frank-tenant tiendront ses Terres del Roy : & un hom prise ove le sang accuse de Larcenie, null bon testmoigh esteant port vers luy, devoit purger luy m per le serement de 27. hôes, ou de 3. *Thanes*. *Thanagium Regis* implia un certain pr des Terres le Roy ou propertie, de que le Rule & governmt appertiet a luy, q p ceo est appel *Thanus* ; car *Demania Regis & Thanagia* signifiaunt un & mesme le chose.

Theftbote.

Theftbote est, quant hœe prist ascun biens dun Laron, de luy favouër & maintenir : & nemy quant home prist ses biens demesth, q fuerot emblees de luy, &c. Le punishment en ancient temps de *Theftbote* fuit de Vie & de member : Mes a ore *Stamf.* dit que il est punish p Ransome & imprisonment. Sed quære, car jeo pense leo estre Felonie.

Thanus.

THanus is a word which sometimes signifies a Noble-man, sometimes a free-man, a Magistrate, an Officer or Minister, Lambert in the word *Thanus*. Skene saith, it is a name of dignity, and appears to be equal with the son of an Earle. And *Thanus* was a free-holder holding his Lands of the King : and a man taken with the manner accused of Larceny, no sufficient proof being brought against him, must purge himself by the oath of 27. men, or 3. *Thanes*. The King's *Thanage* signifies a certain part of the King's Lands or property, whereof the rule and government appertains unto him, who therefore is called *Thanus* : for the King's *Demains* and the King's *Thanage* signifies one and the same thing.

Theftbote.

Theftbote is, when a man takes any goods of a Thief, to favour and maintain him : and not when a man takes his own goods, that were stoln from him, &c.

The punishment in ancient time of *Theftbote* was of Life and member : But now at this day *Stamford* saith it is punished by Ransome and imprisonment. But enquire farther, for I think it is Felony.

Thom.

Them.

THem, that is: That you shall have all the generations of your Villains, with their Suits and Cartell, wheresoever they shall be found in England; except that if any Bondman shall remain quiet one year and a day in any privileged Town, so that he shall be received into their Communality or Guild, as one of them, by that means he is delivered from Villenage.

Tithes.

Tithes. See Dismes.

Title.

Title is, where a lawfull cause is come upon a man to have a thing which another hath, and he hath no Action for the same; as Title of Mortmain, or to enter for breach of Condition.

Title of Entrie.

Title of Entrie is, when one seised of Land in fee makes a feoffment thereof upon Condition, and the Condition is broken: after which, the feoffor hath Title to enter into the Land, and may so do at his pleasure, and by his Entry the feehold shall be said to be in him presently.

Them.

THem, hoc est, Quod habetis totam generationem Villanorum vestrorum, cum eorū Sectis & Catallis, ubicunq; in Anglia fuerint inventa; excepto quod si aliquis Nativus quietus unum annum & diē in aliqua Villa privilegiata manserit, ita quod in eorum Communiam vel Gildam, tanquā unus illorum, receptus fuerit, eo ipso à Villenagio liberatus est.

Tithes.

Tithes. Veies Dismes.

Title.

Title est, lou loyal cause est veigne a un home de aver chose q̄ autre ad, & il nad aucun Action pur ceo; come Title de Mortmain, ou de enter p̄ Condition enfreint.

Title de Entree.

Title de Entree est, quant un seisie de Terre en fee fait Feoffment de ceo sur Condition, & le Condition est enfreint: apres quel, le Feoffor ad Title de entre e le Terre, & issint poit quant a luy pleist, & per son Entree le Frank-tenement serra dit en luy maintenant.

Et est appel *Title de Entre*, pur ceo que il ne poit aver Bñe de Droit envers son Feoffee sur Condition, car son droit fuit hors de luy per le Feoffment, le quel ne poit estre reduce sans Entr̄, & le Entr̄ doit est̄ p̄ le enfreinder de le Condition.

And it is called *Title of Entrie*, because he cannot have a *Writ of Right* against his *feoffee* upon *Condition*, for his right was out of him by the *feoffment*, which cannot be reduced without *Entry*, and the *Entry* must be for the breach of the *Condition*.

Toft.

Toft est un lieu en q̄ un Mease fuit un foits esteant, mes est ore tout eschue ou erase.

Toft.

Toft is a place wherein a House once stood, but is now all faine or pulled down.

Tol, ou Tolne.

Tol ou Tolne est pluis properment un Payment use en Cities, Villes, Markets & Fairs, pur biens & cartals port la destre achate ou vende: & est tous foits destre pay per le Achatour, & nemy per le Vendor, sinon q̄ soit ascun Custome al contraire.

Tol, or Tolne.

Tol or Tolne is most properly a Payment used in *Cities*, *Towns*, *Markets* and *Fairs*, for goods and cattell brought thither to be bought and sold: and is always to be paid by the Buyer, and not by the Seller, except there be some Custome otherwise.

Il y ad divers autres Tols; cōe *Turne Tol*, q̄ est lou Tol est pay pur Avers queux sont drivers destre vendus, come que ils ne sont vendus.

There are divers other Tols; as *Turn Tol*, which is where Tol is paid for Beasts that are driven to be sold, although they be not sold indeed.

Tol travers est, lou un clame daver un ob. ou tiel semble Tol, de chescun Beast drive sur son terre.

Tol travers is, where one claims to have a halfpeny, or such like Tol, of every Beast driven over his ground.

Through Tol est, lou un Ville prescribe de aver certain Tol pur chescun Beast q̄ ale through lour Ville, ou pur chescun vint ou cent:

Through Tol is, where a Town prescribes to have certain Tol for every Beast that goes through theit Town, or for every score or hundred: which

which seems not to be so unreasonable a Prescription of Custom as some have thought, though it be through the King's High-way, (as they call it) where every man may lawfully go; if there be one thing for another: As if there be a Bridge, or such like commodity, provided at the costs and charges of the Town, for the ease of travellers that drive that way, whereby their journey is either shortened or bettered, why then may not Tol be lawfully and with good reason demanded of them? &c.

But divers Citizens and Townsmen are free from paying Tol, by grant of the King or his ancestors, or do claim the same by Prescription or Custom. So also Spiritual persons and Religious men were quit of paying Tol for their goods and merchandizes bought and sold, &c. But now the Statute of 21 H. 8. cap. 13. wills that they shall not merchandize.

Also Tenants in Ancient Demesne ought to be quit through out the whole Realm of paying Tol, as appears before in the Title Sockmans. And in all cases where Tol is demanded of them that should go, buy, and sell toll-free, there the party or parties grieved may have a Writ De essendi quietum de Tolonio, directed to him or them that so demand Tol contrary to the grant of the King or his

q ne appiert desre cy unreasonable Prescription or Custom, come aucuns ont suppose, nient obstant il soit per le Hault chemin d'el Roy, (si come ils ceo appel) lou chesc' poit loyalsint passe, si y ad quid pro quo: Come si la soit un Pont, ou tiel semblable commodity, purvey al costs & charges del Ville, pur le ease de travailleurs que chascun mesme voy, p que lour journey est ou abridge ou fait le melieur, pur que donques ne poit Tol estre demand loyalsint & ove bone reason de eux? &c.

Mes divers Citizens & Burgeses sont quite de payer Tol, per le grant del Roy ou ses ancestors, ou claime c' per Prescription ou Custom. Issint auxy Spiritual persons & Religious homes fueront quite de Tol pur lour biens & merchandizes achate & vendus, &c. Mes ore le Statute del 21 H. 8. c. 13. voit que ils ne merchandisera.

Item Tñts en Ancient Demesne doivent estre quite per toute le Realme d payer Tol, cōe appiert devāt en le Title Sockmans. Et en tous cascs ou Tol est demand de eux q doient aler, achate, & vende quite de Tol, la le party ou parties greevē poyent aver un Briet De essendi quietum de Tolocio, direct a luy ou ceux q issint demand Tol contra al grant le Roy ou ses

progenitors, ou e contra al Custom ou Prescription.

progenitors, or contrary to Custom or Prescription.

Tolt.

Tolt (*Tolta*) venust del Latine *tollo*, & est un Brief p̄ q̄ un Cause dependant en un Court-baron poit estre illonques remove en le County Court devant le Viscount. Veies de cep Fitz. Nat. Brev. fol. 3. F. & Vail N. B. fol. 2. a.

Tolt.

Tolt comes from the Latine *tollo*, and is a writ by which a Cause depending in a Court-baron may be from thence removed into the County Court before the Sheriff. See of this Fitzh. Nat. Brev. fol. 3. F. and Old Natura Brevium, fol. 2. a.

Tonnage.

Tonnage est un Custom ou Impost pay al Roy pur merchandize import ou export en Tuns, ou asc' tiels vessels, selonc un certain rate en chesc' Tun. Et de c' poies lier e les Statutes de 12 E. 4. c. 3. 6 H. 8. c. 14. 1 E. 6. c. 13. & 1 Jac. c. 33. mes especialmt 12 Car. 2. c. 4.

Tonnage.

Tonnage is a Custom or Impost paid unto the King for merchandize carried out or brought in in Tuns, or such like vessels, according to a certain rate in every Tun. And of this you may read in the Statutes of 12 E. 4. cap. 3. 6 H. 8. cap. 14. 1 E. 6. cap. 13. and 1 Jac. cap. 33. but especially 12 Car. 2. cap. 4.

Totted.

Totted est un term use en le Statute de 42 E. 3. c. 9. & signifie un Note destre fait en le Rolle des Estreats q̄ isist hors del Exchequer al Visc', des routs tiels Debts come sont payes al Visc', isint q̄ ne poyent estre aufoirs demand' del party, ne le Roy deceive. Veies le Statute.

Totted.

Totted is a term used in the Statute of 42 E. 3. cap. 9. and signifies a Note to be made in the Estreat-Rolle that goes out of the Exchequer to the Sheriff, of all such Debts as are paid unto the Sheriff, so that they be not again demanded of the party, nor the King deceived. See the Statute.

Travers.

Travers.

TRavers sometimes signifies to Deny, sometimes to Dethrow or undoe a thing done. for the first, West, p. 2. sect. 54. speaking of an Answer to a Bill in the Chancery, saith, It is that which the Defendant pleads or saies in barre to avoid the Plaintiff's Bill or Action, either by confession and avoiding, or by denying and traversing the materiall points of it: And again Sect. 55. A Replication is the Plaintiff's speech or Reply to the Defendant's Answer, which must affirm and pursue his Bill, and confesse, and avoid, deny, or traverse the Defendant's Answer; and the formall words of this Travers are, Without that, or in Latine, Absque hoc. See Kitch. fol. 227.

The other signification is found in Stamf. Prerog. cap. 20. the whole chapter, who speaking of Traversing an Office, saith, That it is nothing else, but to prove that an Inquisition taken of goods or lands by the Escheator is defective, and untruly made. So Traversing an Indictment is, to take Issue upon the chief matter of it, which is nothing else but to make contradiction, or deny the point of the Indictment: As in a Presentment against A for a High-way overflowed with water, for default of

TRavers asc' foits implra a Denyer, ascun foits a Subverter ou defaire ũ chose fait. Pur le prim, West, p. 2. sect. 54. parlante d'un Respons a un Bill e le Chacery, dit, Que il est c' q le Defendant pleade ou dit en barre de avoyder le Bill del Pl' ou Action, ou p confession & avoydance, ou per deniant & traversat des material points du ycel: Et arere Sect. 55. un Replicatiō est le parlance del Pl' ou Reply al Respons del Defendant, q doit de affirmer & pursuer son Bill, & conustre, & avoier, denyer, ou traverser le Respons del Defendant; & les formal parols de cest Travers sont, Sans ceo, ou en Latine, Absque hoc. Veies Kitch. fol. 227.

L'aut signifiatiō est trove en Stamf. Prerog. cap. 20. per tout le chapitre, q parlāt del Traversing d' un Office, dit, Que c' est riens auter, fors q approver que un Inquisition fait de biens ou terres per le Escheator est defective, & fausmēt fait. Issint Traversing d' un Indictment est, a preder Issue sur le prim matter du ycel, que est riens auter que a faire contradiction, ou denyer le point d' l' Indictmēt: Com en Presentment vers A pur ũ Hault chemin surround ove eau, pur defaulte de

escourance d'un Fosse q'il & ceux q' Estate il ad en certain Terres la ont use d'escowrer & clenfer, A poit traverser ou le matter, cest adire, Que la nest asc' Hault chemin la, ou que le Fosse est sufficient escowre, ou autermt il poit traverser le Cause, Que il nad le Terre, &c. ou que il & ceux que Estate, &c. ont use de escowrer le Fosse, *Lambert Eirenarch. lib. 4. pag. 521. de Travers. Veies tout le Chapter en Kitch. fol. 240. & le Veil Livre de Entries, verbo Travers.*

scowring of a Ditch which he and they whose Estate he hath in certain Land there have used to scowr and cleanse. A may traverse either the matter, that is to say, That there is not any High-way there. or that the Ditch is sufficiently scowred; or otherwise he may traverse the Cause. That he hath not the Land. &c. or that he and those whose Estate, &c. have used to scowr the Ditch. *Lamb. Eiren. lib. 4. pag. 521. of Travers. See the whole Chapter, Kitch. fol. 240. and the Old Book of Entries, the word Travers.*

Treason.

TReason est en deux man-
ners, cestascavoire, hault
Treason, & petit Treason, com
est ordeine per les Statutes.
Et ideo vide Statuta, & *Stam-
ford lib. 1. cap. 4.*

TReason is in two manners,
that is to say, 'grard Treason,
and petit Treason, as it is
ordained by the Statutes. And
therefore look the Statutes,
and *Stamford lib. 1. cap. 2.*

Treasure trove.

Treasure trove est, quant
asc' Money, Ore, Argēt,
Plate, ou Bullion est trove en
asc' lieu, & nul conust a q' le
property est; donqs le pro-
perty de c' appartient al Roy.
Mes si ascun Mineral de Me-
tal soit trove en ascun terre,
ceo tous foits pertient al Sei-
gnior del Soile, forsque q' il
soit Mineral de Ore ou Ar-
gent; queux serroit tous
foits al Roy, en quecunque
soile q' il soit trove.

Treasure trove.

Treasure trove (i. Treasure
found) is, when any Mo-
ney, Gold, Silver, Plate, or
Bullion is found in any place,
and no man knows to whom
it belongs; then the property
thereof appertains to the King.
But if any Mine of Mettal be
found in any ground, that al-
way pertains to the Lord of the
Soil, except it be a Mine of
Gold or Silver, which shall be
alway to the King, in whose
ground soever it be found.

Trespasse,

Trespasse.

Trespasse is a Writ of Action of Trespasse, whereof there are two sorts. The one Vicountiel, so called, because it is directed to the Sherif, and is not returnable, but to be determined in the County: The form whereof differs from the other, because it hath not these words, *Quare vi & armis*, &c. Fitz. N. B. fol. 85. g. The other is directed to the Sherif also, but is returnable in the King's Bench or Common Pleas, and hath always in it these words, *Quare vi & armis*, or else it shall abate, as it appears in Fitz. N. B. fol. 86. h; if it be not a Trespasse upon the Case, and then the words *Vi & armis* are left out, and in lieu thereof the Writ shall say in the end of it, *Contra pacem*, &c. as appears in Fitz. Nat. Brev. fol. 92. e. And yet in some cases Trespasse upon the Case shall be *Vi & armis* also, though not in the point of the Action, or the causa causata, yet in the conveyance to the Action, or the causa causante, as is well distinguished in the Count de Salop's Case, in Coke lib. 9. fol. 50. b.

Triall.

Triall, there are many kinds of it: as of matters in Fact, which shall be tried by

Trespas, Transgressio.

Transgressio est un Brief ou Action de Trespas, de queux la sont deux sorts. L' un Vicountiel, ainsi appel, par ceo q il est direct al Visc', & nest returnable, mes destẽ determine en le Countrie: Le forme de q differt del autre, p c' q nad ceux parols, *Quare vi & armis*, &c. F. N. B. fol. 85. g. L' autre est direct al Visc' auxy, mes est returnable en Bank le Roy ou le Common Bank, & avoit tous foits en ceo ceux parols, *Quare vi & armis*, ou autrement il abatera, cõc appiert en Fitz. N. B. fol. 86. h; sinon q soit un Trespasse sur le Case, & adonques les parols *Vi & armis* sont waive hors, & en lieu d' eux le Brief dirra en le fine de c', *Contra pacem*, &c. come appiert en F. N. B. fol. 92. e. Et uncore en ascuns cases Trespas sur le Case serra *Vi & armis* auxy, coment q nemy en le point del Actiõ, ou le causa causata, uncore en le conveyance al Action, & le causa causante, come est bien distinguish e le Count de Salop's Case, in Cok. l. 9. f. 50. b.

Trial.

Trial, la sõt plusors man-
ners d' ceo: cõc des mat-
ters en Fact, q seront trie p
les

les Jurors ; matters en Ley, per les Justices ; matters de Record, per Record m̄. Un Seignior de Parliament, sur Indictm̄ de Treason ou Felonie, serra trie per ses Peers, sans ascun Serement, sur leur Honours & Allegiances ; mes en Appeale al Suit de ascun subjects ils serra trie *per probos & legales homines*. Si Ancient Demesne soit pleade de un Mannor, & denie, c' serra trie per le Record del Livre de *Doomsday* en l' Eschequer. Un Apostata serra certifie p̄ le Abbot ou auter Religious Governour a que il doit Obedience. General Bastardie, Excommengem̄, Loyaltie de Matrimonie, Profession, & divers auters matters Ecclesiastical, seront tries per le Certificate del Evesque. Et un grand number des auters *Trials* la sont, de queux veies *Coke lib. 9.* le Case d' le Abbot d' *Strata Marcella*, fol. 23.

the Jurors ; matters in Law, by the Justices ; matters of Record, by the Record it self. A Lord of Parliament, upon an Indictment of Treason or felony, shall be tried by his Peers, without any Oath, upon their Honours and Allegiance ; but in Appeal at the Suit of any subject they shall be tried per probos & legales homines. If Ancient Demesne be pleaded of a Mannor, and denied, this shall be tried by the Record of the Book of *Doomsday* in the Exchequer. An Apostata shall be certified by the Abbot or other Religious Governour to whom he owed Obedience. Generall Bastardy, Excommungement, Lawfulness of marriage, Profession, and divers other matters Ecclesiasticall, shall be tried by the Bishop's Certificate. And a great number of other Trials there are, whereof see *Coke lib. 9.* the Case of the Abbot of *Strata Marcella*, fol. 23.

Tronage.

Tronage est un certaine Toll prins p̄ Weighing. *Westm. 2. c. 25. & 13 Edw. 1.*

Tronage.

Tronage is a certain Toll taken for Weighing. *Westm. 2. cap. 25. & 13 Edw. 1.*

Trover.

Trover est un Action q̄ home ad vers un auter, que ayant trove ascun de ses biens, refusa a deliver eux sur demande. Veies le

Trover.

Trover is an Action which a man hath against another, that having found any of his goods, refuses to deliver them upon demand. See the Old

Old Book of Entries, word Trover.

Veil Livre de Entries, parol Trover.

Tumbrel.

Tumbrel see in the Title Cuckingstool; and see the Statute of 51 H. 3. Stat. 6. for the use of it.

Tumbrel.

Tumbrel veies en le Title Cuckingstool; & veies le Statute de 51 H. 3. Stat. 6. pur le use de ceo.

Turbary.

Turbary (from the old Latine word Turba, which was used for a Turf) is an interest of digging Turfs upon a Common: And you shall find an Assise brought of such a Common of Turbary, in 5 Ass. pl. 9. & 7 E. 3. fol. 43. b.

Turbary.

Turbary (*Turbaria*, del vieux Latine pol *Turba*, q̄ fuit use p̄ un Turf, est un interest de foder Turfs sur un Common: Et trovers un Assise port dun tiel Common de Turbary en 5 Assis. pl. 9. & 7 E. 3. fol. 43. b.

Sherif's Turne.

Sherif's Turne is a Court of Record in all things that pertain to the Turn: and it is the King's Leet through all the County, and the Sherif is Judge. And whosoever hath a Leet, hath the same authority within the Precinct as the Sherif hath within the Turn.

This Court is to be kept twice in every year, once after Easter, and again after Michaelmas, and that within one moneth after each Feast. Anno 31 Edw. 3. cap. 15. From this Court are exempted onely Archbishops, Bishops, Abbots, Priors, Carls, Barons, all Religious men and women, and all such as have Hundreds

Turne del Viscount.

Turne del Viscount est un Court de Record en tous choses q̄ prain al Turn: & est le Leet le Roy per tout le Countie, & le Visc' est Judge. Et quecunque ad un Leet, ad mesme le authority deins le Precinct sicome le Viscount ad deins le Turne.

Cest Court est destre tenuz deux foits chescun an, un foits apres Pasche, & arete puis Michaelm', & c' deins un mois apres chesc' Feast, An. 31 E. 3. cap. 15. De cest Court sont exempt solement Archieuesqs, Eveqs, Abbots, Priors, Countes, Barons, Religious hoēs & femes, & tous ceux queux ont Hundreds de

de leur demesne destre repus. Cest Court est appartenant & incidēt al Office del Visc', & ne doit estre lever de ceo; & le Visc' est de constituer Clerks south luy ē c' Court, tiels p̄ q̄ il voile a son peril responder: Mes il ne poit p̄-scriber de p̄nder asc' chose p̄ le tener d̄ son Turne, p̄ ceo q̄ il est un Officer removeable. Veies *Coke*, l. 4. 33. & l. 6. 12. & *Dalton's* Livre de Viscounts, tit. *Sheriff's Turne*.

of their own to be kept. This Court is appertaining and incident to the Office of the Sheriff, and ought not to be severed therefrom; and the Sheriff is to appoint Clerks under him in this Court, such as he will at his peril answer for: But he cannot prescribe to take any thing for the keeping of his Turn, because he is an Officer removeable. See *Coke*, l. 4. 33. & l. 6. 12. and *Dalton's* Book of Sheriffs, tit. Sheriff's Turn.

V.

Vacation.

V

Acation. Veies
Plenartie.

Valore Maritagii.

V *Alore Maritagii* est un Bre q̄ gisoit pur le Sñr vers son Gard, p̄ recover vers luy le Value de son Marriage a son plein age, p̄ ceo que ne fuit marrie p̄ son Sñr deins age. Et cēo Bre gisoit coment q̄ le Seignior ne unques tender al Gard ascun convenable Marriage. Veies *Palmer's Case*, *Coke* l. 5. f. 126. b. & le Stat. 12 Car. 2. c. 24.

Venew.

V *Enew* (*Vicinetum*) est ū tme use en le Stat. d̄ 35 H. 8. c. 6. & frequentm̄ ē n̄e

V.

Vacation.

V

Acation. See *Ple-*
nartie.

Value of Marriage.

V *Alore Maritagii* is a Writ that lay for the Lord against his Ward, to recover against him the Value of his Marriage at his full age, for that he was not married by his Lord within age. And this Writ lay although the Lord never tendered unto the Ward any convenient Marriage. See *Palmer's Case*, *Coke* l. 5. f. 126. b. and the Stat. 12 Car. 2. c. 24.

Venew, or Visne.

V *Enew, or Visne*, is a term used in the Statute of 35 H. 8. c. 6. and often in our Books,

Books, and signifies a place next to that where any thing that comes to be tried is supposed to be done. And therefore for the better discovery of the truth of the matter in fact upon every Trial, some of the Jury must be of the same Hundred, or sometimes of the same Parish or Neighbourhood, in which the thing is supposed to be done, who by intendment may have the best knowledge of the matter. See Coke, 6. Book, f. 14. a. Arundel's Case.

Livres, & signifie un lieu prochain a ceo lou aucun chose q venust destre trie est suppose destre fait. Et pur ceo pur le melior discoverie del veritie del matter en fait sur chesc Trial, aucun des Jurors seront del mesme le Hundred, ou asc' foits de mesme le Parish ou Neighbourhood, en que le chose est suppose destre fait, queux p entendment poient aver le melieux conusance del chose. Veies Arundel's Case, Coke, l. 6. f. 14. a.

Verderor.

Verderor is an Officer in the King's Forrests, chosen by the Freeholders of the County where the Forrest is, by a writ directed to the Sheriff to doe it, as appears by the Books of the Register, and of the Nature of Writs: and they are called in Latine Viridarii, of the word Viridis, in English Green, in French Verd; for a great part of their Office is touching the Verd, to wit, the Wood and Grass growing in the Forrest; for which see more in the Charter and Laws of the Forrest.

*V*erderor est un Officer en les Forrests del Roy, eslieu p les Franktenants del Countie lou le Forrest est, p Bre direct al Visce d' c' faire, come appiert per les Livres del Register, & del Nature des Briefs: & sont appellees en Latine Viridarii, de le parol Viridis, en Anglois Green, en Francois Verd; car un grand pt de leur Office est touchant le Verd, cestascavoir, le Bois & Herbes cressant en le Forrest; p quel veies plus en le Charter & Leys del Forrest.

Verge.

Verge is the Compasse about the King's Court that bounds the Jurisdiction of the Lord Steward and of the Coroner of the King's House, so that he cannot intermeddle in

Verge.

*V*erge est le Compasse environ le Court le Roy q limit le Jurisdiction del Seignior Seneschal & del Coroner del Hostel le Roy, issint q il ne poit intermeddle deins le

le Countie hors del Verge, p̄ ceo q̄ son Office ne extende a ceo ; come le Coroner del Countie ne entermeddler̄ deins le Verge, que est exempt hors de son Office p̄ le Common Ley. Et semble encōter reason, q̄ leur Offices & Jurisdictions esteant several, l'un entermeddlera deins le Jurisdiction del autre. Et cel Verge semble destr̄e douze milliares. Veies 13 R.2. Stat. 1. c. 3. F.N.B. f. 241. Britton, f. 86. Fleta, l. 2. c. 2. Coke, l. 4. f. 46. 33 H.8. c. 12.

Verge en ū autre signification est use p̄ ū Stick ou Rod p̄ q̄ un est admit Tenant, & tiendront ceo en son maine, fait Serement de Fealty al Seignior del Mannor, & pur ceo est appel Tenant per le Verge. Veies Vil N.B. f. 17. & Litt. l. 1. c. 10.

Vert.

Vert venu de Francois Verd, & signifie ovesque nous en les Leys del Forrest chescun chose que cresce & port un fucille verd̄ deins le Forrest : & est divide en over Vert & nether Vert. Over Vert est le Haut Bois, & nether Vert est le South Bois. La est auxy en Forrests un Vert appel special Vert, & c'est tous Arbres crescants en les demesne Bois le Roy deins le Forrest, & tous Arbres queux crescent icy e les Bois des auzs,

the Countie forth of the Verge, because his Office extends not thereunto ; as the Coroner of the Countie cannot intermeddle within the Verge, which is exempted out of his Office by the Common Law. And it seems against reason, that their Offices and Jurisdictions being several, should intermeddle one within the Jurisdiction of the other. And this Verge seems to be twelve miles. See 13 R. 2. Stat. 1. c. 3. F.N.B. f. 241. Britton, f. 86. Fleta, l. 2. c. 2. Coke, l. 4. f. 46. 33 H. 8. c. 12.

Verge in another signification is used for a Stick or Rod by which one is admitted Tenant, and holding it in his hand, takes the Oath of Fealty to the Lord of the Mannor, and for that cause is called Tenant by the Verge. See Old N.B. f. 17. & Litt. l. 1. c. 10.

Vert or Verd.

Vert comes of the French Verd, and signifies with us in the Forrest Laws every thing that doth grow and bears a green leaf within the Forrest : And it is divided into over Vert and neather Vert. Over Vert is the Great Woods, and neather Vert is the Under Woods. There is also in Forrests a Vert called special Vert, and that is all Trees that grow in the King's own Woods within the Forrest, and all Trees that grow there in other mens Woods.

if they be such **Trees** as bear fruit to feed the **Deer** : which are called **Special Vert**, because the destroying of such **Vert** is more grievously punished then the destruction of other **Vert** is. See **Manwood's Forrest Laws**, c.6.f.52.a.

ils sont tiels Arbres queux portent fructs p le fodd des Dames: & ceux sont dits *Special Vert*, p ceo q le destroye de tiel Vert est pluis grand-ment punie q le destruction d'auter Vert est. Veies *Manwood's For. Leys*, c.6.f.52.A.

Vicountiels.

Vicountiels are **farms** so called, for which the **Sheriff** pays certain **Rent** to the **King**, and makes the best profit he can of them. See the **Stat.** 33 & 34 H.8.c.16.

Vicomtiels.

Vicomtiels sont **Fermes** vissint appelle, p quel le **Visc'** paye certain **Rent** al **Roy**, & fait le melieur profit a ceux q il poit. Veies le **Stat.** 33 & 34 H.8.c.16.

View.

View is, when an **Action** real is brought, and the **Tenant** knows not well what **Land** it is that the **Demandant** asks; then the **Tenant** shall pray the **View**, that is, that he may see the **Land** which he claims. But if the **Tenant** hath had a **View** in one **Writ**, and after the **Writ** is abated in misnaming the **Town**, or by **Joyn tenure**, and after the **Demandant** brings another **Writ** against the **Tenant**; then the **Tenant** shall not have the **View** in the second **Writ**.

View.

View est, quant ascun **Action** real est port, & le **Tenant** ne scaveit bien quel **Terre** il est que le **Demandant** demand; donques le **Tenant** priera le **View**, sc. que il poit veier le **Terre** q il clama. Mes si le **Tenant** ad ew le **View** en un **Brief**, & puis le **Brief** est abatus per misnosmer de le **Ville**, ou per **Joyn tenure**, & puis le **Demandant** port un auter **Brief** vers le **Tenant**; donques le **Tenant** navera le **View** en le second **Brief**.

View of Frank pledge.

View of Frank pledge (*Visus franci plegii*) is the power to hold a **Turn** or **Lat**, in which **Courts** every **free-man**

View de Frank pledge.

View de Frank pledge (*Visus franci plegii*) est le poyar a tesh u **Tourh** ou **Leet**, e qua **Courts** chesc' **Frak-hoe**
en

en ancien temps deveigne
lye ove Sureties al age de 14
ans p son Fidelitie al Roy &
ses subjects. Et sur ceo ceux
Courts fuerōt appels le *Vieu*
de frank Pledges, cestascavoir,
des tiels Frank-homes queux
deveignont icy Pledges ou
Sureties l'un p l'auter. Veies
Deciners.

in ancient time became bound
with Sureties at the age of
fourteen years for his Truth to
the King and his subjects :
and thereupon those Courts
were called the View of the free
Pledges, that is, of such free-
men as were Pledges or
Sureties one for another. See
Deciners.

Vi Laica removenda.

V*i Laica removenda* est ū
Bŕe q gist lou Debate
est perenter deux Parsons ou
Provisors d'unEsglise, & l'un
enter en l' Esglise ove grand
power d Lay-hōes, & tient l'
aū dehors ove force & arms;
celuy q est tenuis dehors aveŕ
le dit Bŕe direct al Viſc', q
il remova cest power que est
deins l'Esglise : & serra com-
mand al Viſc', q sil trove asc'
hōes luy resistant, q il pndra
ovesqué luy la Poyar de son
Countie, si besoigne soit, &
serra attache per lour corps
touts ceux luy resistant, &
les mettera en prison, issint q
il eyt lour corps devant le
Roy a certeine jour, de re-
sponder del Contempt. Et
cest Bŕe est retournable, &
ne serra grant, devant que l'
Evesque del lieu lou tiel Es-
glise est eyt certifie en le
Chancetie tiel Resistance &
Force.

Vi Laica removenda.

V*i Laica removenda* is a Writ
that lies where Debate is
between two Parsons or Pro-
visors for a Church, and one of
them enters into the Church
with great power of Lay-men,
and holds the other out with
force and arms ; he that is hol-
den out shall have this Writ di-
rected to the Sherif, that he
remove the power which is
within the Church : and the
Sherif shall be commanded,
that, if he find any men there
withstanding, he take with him
the Power of his County, if
need be, and arrest the bodies of
all those that resist, and put
them in prison, so that he have
their bodies before the King at
a certain day, to answer the
Contempt. And this Writ is
returnable, and shall not be
granted, before the Bishop of the
place where such Church is hath
certified in the Chancery such
Resisting and Force.

Villain and Villainage.

TO hold in pure Villainage is, to do all that that the Lord will him command.

The Division of Villainage is, Villain of bloud, and of tenure. And he is a Villain of whom the Lord takes Redemption to marrie his daughter, and to make him free: and it is he whom the Lord may put out of his Lands or Tenements at his will, and also of all his Goods and Chattels.

A Sockman is no pure Villain, nor does a Villain owe Ward, Marriage, or Relief, nor does he any other Services real.

Tenure in Villainage shall make no free-man Villain, if it be not continued time out of minde: nor shall villain land make free-man Villain, nor free land make Villain free; except the Tenant have continued free beyond the time of memory.

But a Villain shall make free land villain by Seisin, or by Claim of the Lord.

If a Villain purchase Land, and take a wife, and alien, and dies before the Claim or Seisin of the Lord, the wife shall be endowed.

In case the Lord bring a *Præcipe quod reddat* against the Alienor of his Villain, who bouches to warrant the issue of the Villain which is Villain to the Lord, he shall have the

Villein & Villeinage.

Tener en pure *Villeinage* est, à faire tout ce que le Sür luy voit commander.

Le division de *Villeinage* est, *Villeine de sang,* & de tenure. Et il est *Villein* de q son Sür prent Redemption de sa fille marrier, & soy mesm enfranchise: & le Seignior puit luy ouste de ses Terres ou Tenements a sa volunt, & aux de tous ses Biens & Chareux.

Sockman nest pas pure *Villein*, ne *Villein* doit pas Garde, Marriage, ne Relief, ne faire auters Services reals.

Tenure en *Villeinage* ne ferra Frank home *Villein*, sil ne soit continue ouster le temps de memory: ne *villain* terre ferra Frank home *Villein*, ne Frank terre ferra *Villein* Frank; sinon q le Tenant avoit continue Frankm̄t ouster le temps de memory.

Mes un *Villein* ferra Frank terre *villain* per Seisin, ou per Claim de son Seignior.

Si *Villein* purchase Terre, & prent feme; & alien, & devy devant le Claim ou Seisin de son Sür, la feme ferra endowe.

En case le Seignior port *Præcipe quod reddat* envers le Alienor son *Villein*, le quel vouch a garranter le issue de le *Villein* q est *Villein* al Seignior, il avera le Voucher.

Voucher. Et per protestation le Seignieur poit (non obstant que il plede ove son Villein) save que son Villein ne serra my enfranchise.

Bastard ne serra jammes adjudge Villein, sinon p connusans en Court de Record.

Si Det soit due per un Sñr a un Frank home, & il face deux homes ses Executors les queux sont Villeins al dit Seignieur, & devie, les Villeins averont Action de Det envers lour Seignieur. Et nient obstant que il plede ovesque eux, & il face protestation, ils ne serront pur tant enfranchise; pur ceo que ils sont de recover le Det al use de un auter person, cestascavoir, lour Testatour, & nient a lour use demesne.

Et si le Tenant en Dower eyt un Villein, le quel purchase certain Terre en fee, & puis le Tenant en Dower enter; el avera le Terre a luy & ses heires a routs jours. Et mesme le Ley est de Tenant a terme deans de un Villein.

Le Seignieur poit rob, naufrer, & chastiser son Villein a son volunt: save que il ne poit luy maim, car donques il avera Appel d'maihem envers luy.

Un Villein poit aver trois Actions envers son Seignieur; cestascavoir, un Appeale de mort son ancestor, un Appeale de Rape fait a sa

Voucher. And by protestation the Lord may (notwithstanding he plead with his Villain) save his Villain from being enfranchised.

A Bastard shall not be judged Villain, but by knowledge in Court of Record.

If Debt be due by a Lord to a Free-man, and he makes two men his Executors who are Villains to the said Lord, and dies, the Villains shall have an Action of Debt against their Lord. And notwithstanding that he plead with them, and if he make protestation, they shall not be thereby enfranchised; for that they are to recover the Debt to the use of another person, that is to say, their Testator, and not to their own use.

And if the Tenant in Dower have a Villain who purchases certain Land in fee, and after the Tenant in Dower enters; she shall have the Land to her and her heirs for ever. And the same Law is of Tenant for term of years of a Villain.

The Lord may rob, beat, and chastise his Villain at his will: save onely that he may not maim him, for then he shall have an Appeal of maihem against him.

A Villain may have three Actions against his Lord; that is to say, an Appeal of the death of his ancestor, an Appeal of Rape done to his wife,

Wife, and an Appeal of main.

If two Parceners bring a Writ of Niefce, and one of them be nonsuit, the Nonsuit of him shall be judged the Nonsuit of both, so that if that Nonsuit be after Appearance, they shall be barred from that Action for ever; for such is the Law in favour of Liberty.

If two have a Villain in common, and one of them makes him a Manumission, he shall not be made free against both.

In a Writ de Nativitate habendo, it behoves that the Lord shew how the Defendant comes to be privy of the blood of the Villain of whom he is Lord, &c. And if he nor any of his ancestors were seized of any of his blood, he shall not gain by his Action, if the Villain have not acknowledged himself in Court of Record to be his Villain.

In a Writ of Niefce may not be put more Niefces then two; and this was first introduced in hatred of Bondage. But in a Writ de Libertate probanda, may be put as many Niefces as the Plaintiff will.

If the Villain be fled into Ancient demesne of the King, or other Town privileged, within a year and a day the Lord may seize him; and if he dwell in the same Town or other place franchised by a year and a day, without seisin of the Lord, he hath no power to

seize, & un Appeale d' maine.

Si deux Parceners port B're de Niefce, & l'un de eux soit nonsuit, le Nonsuit de luy sera adjudge le Nonsuit d' ambideux, ainsi q' si le Nonsuit soit aps Appearance, ils seront barre de cest Actio a tous jours; car la Ley est tiel in favorem Libertatis.

Si deux ont un Villein commun, & l'un d'eux fait a luy Manumission, il ne sera my infranchise envers ambideux.

En Brief de Nativitate habendo, il covient q' le Sir monstre comment le Defendant a veigne privie de sang a celuy Villein de que il est Sir, &c. Et si il ne nul de ses ancestors ne soit seise de nul de son sanke, il ne gainera per son Actio, si le Villein nad pas conus en Court de Record luy estre son Villein.

En un B're de Niefce ne purront estre mis plusors Niefces q' deux; & hoc introductum fuit prius in odium Servitutis. Mes en B're d' Libertate probanda, purront estre mis tant Niefces cōe le Plain. voudeat.

Si le Villein soit fue en Ancien demesne del Roy, ou autre Ville privileged, deins lan & jour le Seignior poit luy seiser; & sil demurt en la dit Ville ou lieu franchise per un an & jour, sans le seisine de son Seignior, il nad my power de

luy seise apres, si il ne va dehors le suisdit Franchise.

Ascuns sont Villeins per ritle de Prescription, cestascavoir, que tout lour sanke ont este Villeins regardants a le Mannor du Sñr de temps dont memory ne curt.

Et ascuns sont fait Villeins per lour Confession en un Court de Record. Auxy le Sñr poir faire un Manumission a son Villein, & luy enfranchies a routs jours.

Si le Villein port ascun Action vers son Sñr, si ne soit Appeale de maihem, & le Seignior a ceo sans protestation fait respons, per ceo le Villein est franchises.

Auxy si un Villein purchase Terre, & ad Biens, & vend les Terres & Biens devant ascun Entre ou Seisin fait p le Sñr, la vender est bon. Mes le Roy, Sñr de Villein, en tiel case poir enter & seiser le Terre apres tiel vendition fait: *Quia nullum tempus occurrit Regi.*

Villanous judgement.

Villanous judgement est ceo que est done sur un Indictment del Conspiracy, scilicet, que le party trove culpable perdera son franke Ley, ne serra plus mise en Juries ou Assises, ne aylors en Testmoignance del veritie: & si ad faire en Courts le Roy,

seise him after, if he go not out of the foresaid Franchise.

Some are Villains by title of Prescription, that is to say, that all their blood have been Villains regardants to the Mannor of the Lord from time out of mind.

And some are made Villains by their Confession in a Court of Record. Also the Lord may make a Manumission to his Villain, and enfranchise him for ever.

If a Villain bring any Action against his Lord, other then an Appeal of maihem, and the Lord without protestation make answer to it, by this the Villain is made free.

Also if a Villain purchase Land, and hath Goods, and sell the Goods and Lands before any Entry or Seisin made by the Lord, the sale is good. But the King, Lord of a Villain, in such case may enter and seise the Land after such sale made: For no time runs against the King.

Villanous judgement.

Villanous judgement is that which is given upon an Indictment of Conspiracy, viz. that the party found guilty shall lose the benefit of the Law, shall never more be sworn in Juries or Assises, nor admitted to give any Testimony elsewhere: and if he have to doe in the King's Courts,

he

he shall come by Attorney, and not in person : that his Lands, Goods and Chattels shall be seised into the King's hands, and estreaped, if he find not the more labour, and his Trees digg'd up, and his Body imprisoned. See 24 E. 3. fol. 34. b. & 27 Aff. pl. 59.

q face son Attourney, & ne-my vien en son person demessn : q ses Terres, Biens & Chattels sont seisies en maines le Roy, & estrepes, fil ne poit melior grace aver, & ses Arbres erases, & son Corps imprison. Veies 24 E. 3. fol. 34. b. & 27 Aff. pl. 59.

Virgata terræ.

Virgata terra.

Virgata terræ. See Yard-land.

Virgata terra. Veies Yard-land.

Viscount.

Viscount.

Viscount is either the name of a degree or state of Honour under an Earl, and above a Baron ; or else the name of a Magistrate and Officer of great authority, whom we commonly call (Sherif,) or, to speak more truly, (Shire reve,) and was at the first called (Shire gereve,) that is, the Keeper of the Shire ; for (Gereve) is deribed of the Saxon word Gerefa, i. a Ruler.

And hereof comes (Portreve or Portgreve,) a name in old time given to the head Officer of a Town, and signifies the Ruler of the Town ; for that (Port) coming of the Latine word (Portus) signifies a Port-town, and (Gereve) being deribed as aforesaid signifies a Ruler : so that Portgreve, or, as we now shorter speak, a Portreve, is the Ruler of the Town,

Viscount est ou le nosme de un degree ou state de Hon soubz ũ Couitee, & paramount ũ Baron ; ou le nosm d'un Magistrate & Officer del grand authority, q nous communement appellom (Sherife,) ou, de parler pluis veraimt, (Shire reve,) & suit al prim appel (Shire gereve,) cest a-dire, Custos Comitæ, ou le Reve ou Ruler del Countie ; car (Gereve) est derive de Saxon pol (Gerefa) i. ũ Ruler.

Et de c'vient (Portreve ou Portgreve,) un nosm en veil tēps don al chief Officer d'un Ville, & signifie le Governor del Ville ; p ceo que (Port) venies de le Latine pol (Portus) signifie un Port-ville, & (Gereve) esteāt derive cōe est avādit signifie ũ Ruler ; ainsi q Portgreve, ou, come nous a ore briefmē ple c', Portreve, est le Governor del Ville.

Et issint fuit le chief Officer ou Governor del Citie de *Londres* long temps past (devant q' ils ad le nosme del Maïor ou Bailifes) appel, cōe il appiert ē divers vieulx monuments; mes principalmt en le *Saxon* Charter de *William* le Conqueror, que issint commence :

William le King greit *William* Bisceop, & *Godfrey* ges *Portgrefant*, & dalle *tha Bur-watren theon* Lond' beon, &c.

Issint ils de *Germany* (de q' nous & nost' Language primermt vient) appel u Governor *Burgreeve*, un autre *Margreeve*, & un autre *Lansgreeve*, ove tielx seblables, &c.

Cest tant est dit tant seulement p' monstre le droit Etymon & antiquity de parol (*Sherife*;) a quel Officer nostre Common Ley ad tous foits done si grand confidence & authority; come destre un special Preserver d' Peace. Et p' ceo tous Obligations que il prist a m' le purpose, sont come Recognisances en Ley.

Il est un Judge de Record quant il tient les Leets ou Turnes, les queux sōt Courts de Record.

Item il ad le execution & retourne des Briefs, & impannelling des Juries, & tielx semblables, &c.

And thus was the head Officer or Governour of the City of London long since (before they had the name of Mayor or Bailifs) called, as it doth appear in divers old Monuments; but chiefly in the Saxon Charter of William the Conqueror, which begins thus :

William the King greeteth *William* the Bishop, and *Godfrey* the Portreve, and also the Citizens that in London be, &c.

So also they of Germany (from whom we and our Language first came) call one Governour *Burgreeve*, another *Margreeve*, and another *Lansgreeve*, with such like, &c.

Thus much is said onely to shew the right Etymon and antiquity of the word (*Sherif*;) to which Officer our Common Law hath always given so great trust and authority, as to be a speciall Preserver of the Peace. And therefore all Obligations that he takes to that end, are Recognisances in Law.

He is a Judge of Record when he holds the Leets or Turnes, which are Courts of Record.

Also he hath the execution and return of Writs, and impannelling of Juries, and such like, &c.

Uncore prift.

UNcore prift is a Plea for the Defendant in Debt upon an Obligation, who being sued because he did not pay the Debt at the day, pleads, to save the Forfeiture, that he tendered the money at the day and place, and that no body was there to receive it, and says over, that he is yet ready to pay it. And where a man ought to plead over, that he is yet ready, and where not, see in Perkins sect. 783. & 784. & Coke 9. book, fol. 79. a. b. in Peytor's Case.

Volunt.

Volunt is, when the Tenant holds at the Will of the Lessor, or Lord: and that is in two manners.

One is, when I make a Lease to a man of Lands, to hold at my Will, then I may put him out at my pleasure: but if he sow the Ground, and I put him out, then he shall have his Corn, with egress and regress till it be ripe, to cut and carry it out of the ground.

Such Tenant at Will is not bound to sustain and repair the House, as Tenant for years is: But if he make wilfull Waste, the Lessor shall have against him an Action of Trespasse.

Also there is another Tenant

Uncore prift.

UNcore prift est un Plee pur le Defendant en Det sur Obligation, que estant sue pur ceo que ne paya le Det al jour, plead, pur sauver le Forfeiture, q il tender les deniers al jour & lieu, & que nul fuit la pur receiver, & dit ouster, que il est uncore prift de payer. Et lou home doit pleader ouster uncore prift, & lou nemy, veies en Perkins sect. 783. & 784. & Coke lib. 9. fol. 79. a. b. en Peytor's Case.

Volunt.

Volunt est, quant le Tenant tient a le Volunt del Lessor, ou Sñr: & ceo est en deux manners.

Un est, Quant jeo faee Lease a un hom de Terres, a ten a ma Volunt, donqs jeo puisse luy oust a mon plaisir: mes si il emblee le Tfe, & jeo luy ousta, donqs il a vera son Embleement, & egress & regress jelsques ils sont mature, p eux scier & carier hors del terre.

Tiel Tenr a Volunt nest pas tenu de sustainer & repaier le Meason, sicde Tenant a terme de ans est tenu: Mes si il fait voluntary Waste, le Lessor avera vers luy un Action de Trespasse.

Auxy la est auter Tenant
Q. 4 a Vc.

a Volunt del Seignior, per Copy de Court-Roll, selonque le Custome del Mannor : & tiel Tenant poit surrender le Terre en les mainis le Sñr, per le Custome, al use dun auter p vie, en fee, ou fee taile ; & donques il prendra le Terre del Seignior, ou son Seneschal, per Copy, & ferra Fine al Seignior. Mes si le Seignior ousta tiel Tenant, il nad remedy mes de suer per Petition. Et si tiel Tenant voile implead un auter des Terres, &c. il covient enter un Plaint en le Court, & countera en le nature de quel Brief il voit, sicome le case gift.

Voucher.

Voucher est, qñt un *Præcipe quod reddat* de Tfe est port vers un home, & un auter doit garran le Terre al Tenant ; donques le Tenant luy *vouchera* a Garrantie, & sur ceo il avera un Brief appel *Summoncas ad warrantizandum*. Et si le Viscount retourne que il nad riens per que il poit estre summon, donques isslera Brief appel *Sequatur sub suo periculo*. Et quant il vient, il pleadera ovelque le Demandant. Et sil ne vient, ou vient, & ne poit barre le Demandant, donqs le Demandant recovers le

at Will of the Lord, by Copy of Court-Roll, according to the Custome of the Mannor : and such a Tenant may surrender the Land into the hands of the Lord, according to the Custome, to the use of another for life, in fee, or in tail ; and then he shall take the Land of the Lord, or his Steward, by Copy, and shall make fine to the Lord. But if the Lord put out such a Tenant, he hath no remedy but to sue by Petition. And if such a Tenant will implead another of the Lands, &c. he ought to enter a Plaint in the Court, and shall declare in the nature of what writ he will, as the case lies.

Voucher.

Voucher is, when a *Præcipe quod reddat* of Land is brought against a man, and another ought to warrant the Land to the Tenant ; then the Tenant shall vouch him to Warranty, and thereupon he shall have a writ called *Summoncas ad warrantizandum*. And if the Sheriff return that he hath nothing by which he may be summoned, then there shall go forth a writ called *Sequatur sub suo periculo*. And when he comes, he shall plead with the Demandant. And if he come not, or if he come, and cannot barre the Demandant, then the Demandant shall recover the Land

Land against the Tenant, and the Tenant shall recover as much Land in value against the Vouchee; and thereupon shall have a writ called Capias ad Valentiam against the Vouchee.

See more of Voucher before in the Title of Garranty.

Uses.

Uses of Land had beginning after the custom of Property began amongst men: as where one being seised of Lands in Fee-simple, made a Feoffment to another without any Consideration, but onely meaning that the other should be seised to his Use, and that he himself would take the Profits of the Lands, and that the Feoffee should have the Possession and Franktenement thereof to the same use, &c.

Now after this, upon good Considerations, and to avoid divers mischiefs and inconveniences, was the Statute of An. 27 H. 8. c. 10. provided, which unites the Use and Possession together, so that he who hath the Use of the Land, hath the Possession thereof, according to the Use he hath therein, by virtue of that Statute.

Usury.

Usurie is a Gain of any thing above the Principal, or that which was lent, exacted onely in consideration of the

Terre vers le Tenant, & le Tenant recouvrera tant de T're en value vers le Vouchee; & sur ceo il avera un Bre appel Capias ad valentiam vers le Vouchee.

Vide pluis de Voucher devant, Tit. Garrantie.

Uses.

Uses de T're ad son commencement apres que le custome de Propertie commence enter homes: cōe ou un esteant seisie de T'fes en Fee-simple, fait ũ Feoffmēt al un auter sans asc' Consideration, mes solemt meaning q' l' auter serroit seisie al son use, & q' il mesm voile p'ndre les Profits de les T'fes, & q' le Feoffee doit aver le Possession & Franktenement de ceo al mesme le use, &c.

Ore aps ceo, sur bone Considerations, & p' avoider divers mischiefs & inconveniences, fuit le Statute de An. 27 H. 8. c. 10. purview, quel unite le use & Possession ensemble, issint que il q' ad le use de Terre, ad le Possession de ceo, accordant al use q' il avoit en ceo, p' vertue de cest Statute.

Usurie.

Usurie est ũ Gain de d'asc' chose ouster le Principal, ou ceo que fuit lent, exact solemt ē consideration de le Loan,

Loan, soit il d' Corne, Viand, Apparel, Wares, ou tielx semblables, come de Monie.

Et icy mult poit estre dit, & divers Cases mis concernants Usurie, le qu'il d' ppose jeo omit : solemt jeo pria, q' ceux q' accompt eux mesmes religious & bone Christians ne voient deceivre eux mesmes per colour de le Statute de *usurie*, p' ceo q' le Statute dit, q' il ne serra loyal p' aucun de prendre ouster vj.l. en le C.l. pur un an, &c. p' que ils collect (mes fausement) que ils poient per ceo prendre vj.l. pur le Loan d' un C.l. ove un bone Conscience, pur ceo que le Statute solonque un manner dispense ove ceo, (pur ceo q' il ne punishe tielx pre-dors.) Car Dieu voile aver ses Decrees observe inviolable, q' dit, *Lend, expectant nul chose pur ceo*, &c. Per queux polx est exclude le prisel de vj.l. v. l. ou de un denier ouster le Principal. Mes plus pensant tiels, q' cest Statute fuit fait sur tiel semblable cause que movant *Moses* de doner un bill de Divorce a les *Israelites*, cōe nosmernt p' avoider un greinder mischief, & p' le duritie de lour cœurs.

Et le Statute de 21 Jac. c. 17. ad ordeine expressement, que nul parol en cest Ley serf construe ou expound p' allower le practice del Usurie en point de Religion ou Conscience.

Loan, be it as well Corn, Wheat, Apparel, Wares, or such like, as Money.

And here much might be said, and many Cases put concerning Usury, which of purpose I omit : onely I wish they who account themselves religious and good Christians would not deceive themselves by colour of the Statute of Usury, because the Statute saith, that it shall not be lawful for any to take above vj. l. in the C. l. for a year, &c. whereby they gather (though falsly) that they may therefore take six pounds for the Loan of an hundred pounds with a good Conscience, because the Statute doth after a sort dispense with it, (because it doth not punish such taking.) For God will have his Decrees to be kept inviolable, who saith, *Lend, looking for nothing thereby*, &c. by which words is excluded either the taking of vj. l. v. l. yea, or one penny above the Principal. But rather let such think, that Statute was made upon like cause that moved *Moses* to give a bill of Divorce to the *Israelites*, as namely to avoid a greater mischief, and for the hardnesse of their hearts.

And the Statute of 21 Jac. c. 17. hath expressly ordained, that no word in that Law shall be construed and expounded to allow the practice of Usury in point of Religion or Conscience.

By the Statute of 13 Eliz. c. 8. the Loan of Money was at 10. l. per Cent. by 21 Jac. c. 17. at 8. l. per Cent. and now by the Statute of 12 Car. 2. c. 17. it is reduced to 6. l. per Cent.

Per le Statute de 13 Eliz. c. 8. le Loan de Monie fuit 10. l. per Cent. per 21 Jac. c. 17. 8. l. per Cent. & ore p le Statute 12 Car. 2. c. 17. ceo est reduce al 6. l. per Cent.

Utlary.

Utlarie.

UTlary is, when an Exigent goes forth against any man, to appear in any Court to make Answer to any Action or Indictment, and Proclamation made in five Counties; then if the Defendant appear not, the Coroner shall give Judgment that he shall be out of the protection of the King, and out of the aid of the Law.

UTlary est, quant ū Exigent issist vers ascun hōe, d'apparear en asc' Court de faire Respons al asc' Action ou Indictmt, & Proclamation fait en cinque Counties; si le Defendant ne appare, donques le Coroner donera Judgenit q̄ il serra hors de p̄tection de Roy, & hors del aide le Ley.

By such an Utlary in Actions personal, the party outlawed shall forfeit all his Goods and Chattels to the King.

Per tiel utlary en Actions psonals, le partie utlage forfeit tous ses Biens & Chateux al Roy.

And by an Utlary in Felony, he shall forfeit as well all his Lands and Tenements that he hath in Fee-simple, or for term of his life, as his Goods and Chattels.

Et per utlary en Felonie, il forfeitera auxy bien tous ses T̄res & Tenem̄ts q̄ il ad en Fee-simple, ou pur terme de sa vie, come ses Biens & Chateux.

Also though a man be outlawed, yet if any Error or Discontinuance be in the Suit of the Proces, the party shall have advantage thereof, and for such cause the Utlary shall be reversed and annulled.

Auxy mesque un home soit utlage, uncore si asc' Discontinuance ou Errour soit en la Suit del Proces, le partie de ceo avera l'advantage, & per tiel cause l'Utlary serra reverse & annulle.

If the party defendant be over the Sea at the time of the Utlary pronounced, that is a good cause of Reversal.

Si le partie defendant soit ouster la Mer al temps del Utlary p̄nounce, ceo est bone cause de Reversal.

If an Exigent be awarded against a man in one County,

Si un Exigent soit agard vers un home en un Countie, lou

lou il ne demurrer pas, uncore un Exigent ove Proclamation issira al Countie lou il demurre; ou autrement sil soit sur ceo utlage, *utlagarie* poit estre reverse, come ap- piert p le Statute fait *An. 6 & 4 H. 8. c. 4.*

Auxy si un soit utlage en Action personal al Suit d'un autre, & puis il purchase son Charter de Pardon de Roy, tiel Charter ne serra jamais allowe, tanq il ad sue un Bfe de Scire facias de garner le prie Plaintiff, & sil appeare, donques le Defendant res- ponda a luy, & luy barref d la Action, ou autrement serra Agreement ovesque luy.

Utlaw.

Utlaw. Veies Waive.

Utlepe.

Utlepe significat Escapiu (hoc est *Evasionem*) La- tronum. *Fleta, lib. 1. cap. 47.*

Utrum.

Utrum est un Bfe q gift quant le Droit d' ascun Eglise est aliene & tenu en Lay-fee, ou translate en pos- session d'au Eglise, & Alie- nor devie; donques son Suc- cessor avera le dit Bfe, p que un Enquest serra charge de trier *Utrum sit Libera eleemo- syna Ecclesie, vel Laicum sco- dum.*

where he dwells not, yet an Exigent with Proclamation shall go forth to the County where he dwells; or else if he be thereupon outlawed, the ut- lary may be reversed, as it ap- pears by the Statute *An. 6 & 4 H. 8. c. 4.*

And if a man be outlawed in Action personal at the Suit of another, and after he purchase his Charter of Pardon of the King, such Charter shall never be allowed, till he hath sued a Writ of Scire facias to warn the party Plaintiff; and if he ap- pear, then the Defendant shall answer him, and bar him of his Action, or else make Agreement with him.

Utlaw.

Utlaw. See Waive.

Utlepe.

Utlepe signifies the Escape of Thieves. *Fleta, lib. 1. cap. 47.*

Utrum.

Utrum is a Writ that lies when the Right of any Church is aliened and holden in Lay-fee, or translated into the possession of any other Church, and the Alienor dies; then his Successor shall have the said Writ, whereof an Enquest shall be charged to try whether it be the free alms of the Church, or Lay-fee. And

And note well, that none that have Covenant or Common seal may maintain this Writ, but a Writ of Entre sine assensu Capituli, for the Alienation made by his predecessor.

Et nota, que nul q ad Covenant ou Common seale poit maintenir cest B're, mes B're d'Entre sine assensu Capituli, d'Alienation fait p son Predecessor.

W.

Wage.

WAge is the Giving security for the performing of any thing: as to wage Law, and to wage Deliverance, which see before in Gage. None wages Law against the King, Brook, tit. Chose en Action, num. 6. See Law.

Waife.

Waife is, when a Thief hath feloniously stolen Goods, and being nearly followed with Hue and cry, or else overcharged with the burden or trouble of the Goods, for his ease sake and more speed by travelling, without Hue and cry, flies away, and leaves the Goods or any part of them behind him &c. then the King's Officer, or the Reeve or Bailiff to the Lord of the Mannor, (within whose Jurisdiction or Circuit they were left) who by Prescription or Grant from the King hath the Franchise of Waife, may seize the Goods so waived to their Lord's use, who

W.

Wage.

WAge est le Donnant securitatie p le pformace d'asc' chose cōe a gager Ley, & a gager Deliverance, queux veies devant en Gage, Nul gagera Ley enconter le Roy, Brook, tit. Chose en Action, num. 6. Veies Ley.

Waife.

Waife est, quant un Laron ad feloniously emblee Biens, & esteant neerment pursue ove Hue & crie, ou autrement surcharge ove le burden ou trouble des Biens, p son ease & plus speedie travaille, sans Hue & crie, sua, & waiva les Biens ou asc' part d'eux arere luy, &c. donques l'Officer del Roy, ou le Reeve ou Bailife al Seignior del Mannor, (deins que Jurisdiction ou Circuit ils fueront waife) que per Prescription ou Grant de Roy ad le Franchise de Waife, poyent seiser les Biens issint waife al use de leur Seigniors, q poyent

poient retaine eux come les
ppr biens, sinon que l' Ow-
ner vient ovesque fresh Suit
apres le Felon, & sue un Ap-
peale, ou done en Evidence
envers luy al son Arraignmt
sur l'Indictment, & il est at-
taint de ceo, &c. En queux
cases le primer Owner avera
Restitution de ses Biens is-
sint emblee & waife.

Mes nient obst, cœ ad este
dit, *waife* est ppetmt d Biens
emblems, une *Waife* poit est
aux de Biens nient emblees:
Cœ si ū hœ soit psue ovesq
Hue & crie cœ un Felon, &
il sue & relinquish ses Biens
demesne, &c. ceux serf prise
come Biens *waife*, & forfeit
come sils ad este emblees.

Mes veies Foxley's Case,
Coke l. 4. f. 109. b. q̄ ceux ne
sont Bona *waiviata*, sed Bona
Fugitivorum, queux ne sont
forfeits tanq̄ soit trove devāt
le Coronér, ou autermt d re-
cord, que il sua p le Felonie.

Waive.

WAIVE est un Feme
que est urlage, &
il est appelle *waive*, quasi
relicta a Lege, & nemy
urlage, come home: car
femes ne sont jures en
Leis al Roy, ne al Ley,
come homies sont, que par
ceo sont deins le Ley;
& pur cest cause ils ne
poyent estre dit *urlage*,
entant que ils ne unques

may keep them as his own pro-
per goods, except the Owner
come with fresh Suit after the
Felon, and sue an Appeal, or
give in Evidence against him at
his Arraignment upon the In-
dictment, and he be attainted
thereof, &c. In which cases the
first Owner shall have Resti-
tution of his Goods so stolen
and waived.

And though, as hath been
said, *Waife* is properly of Goods
stolen, yet it may be also of
Goods not stolen: As if a man
be pursued with Hue and cry
as a Felon, and he flies and
leaves his own Goods, &c. these
shall be taken as Goods waived,
and forfeit as if they had been
stolen.

But see Foxley's Case, Coke l.
5. f. 109. b. that these are not
Goods waived, but Goods of fu-
gitives, which are not forfeited
till it be found before the Coro-
ner, or other wise of record, that
he fled for the Felony.

Waive.

WAIVE is a tithman that
is outlawed; and he is
called *Waive*, as left out or for-
saken of the Law, and not an
Outlaw, as a man is: for wo-
men are not sworn in Oaths to
the King, nor to the Law, as
men are; who therefore are
within the Law; whereas
women are not, and for that
cause they cannot be said out-
lawed, inasmuch as they nebe-
wre:

were within it. *See* Fitz. N. B. fo. 161. A.

But a man is called urlaw, because he was once sworn to the Law: And now for contempt he is put out of the Law, and is called urlaw, as one should say, without benefit of the Law.

Wapentake.

WApentake is all one with that which we call Hundred, as appears by Bract. l. 3. tract. 2. cap. 1. num. 1. in the end. Lambert, in his *Explication of Saxon words*, word *Centuria*, saith, That this word Wapentake is more especially used at this day in the Countries beyond the River Trent: And in the Laws of King Edward (by him set forth) num. 33. it is most plain in these words, And what the *English* term *Hundred*, the foresaid Counties call *Wapentake*.

The Statutes An. 3 H. 5. cap. 2. and An. 9 H. 6. cap. 10. and An. 15 H. 6. cap. 7. make mention of *Staincliffe Wapentake*, and *Friendless Wapentake* in Craven in the County of York. *See* Roger Hoveden, part. poster. Annal. fol. 346.

Warden.

WArden is of the same signification with the French *Gardein*, and therefore of this see more in the Title *Gardi-*

fueront deins ceo. Veies Fitz. N. B. fo. 161. A.

Mes un home est dit *urlage*, pur ceo que il fuit un foits jure a le Ley: Et a ore pur contempt il est mis hors del Ley, & dictus *urlagatus*, quasi *extra Legem positus*.

Wapentake.

WApentake est tout un ove c' q nous appelle-
loms *Hundred*, come appiere p *Bract*. l. 3. tract. 2. c. 1. num. 1. in fine. Lambert, en son *Explication d Saxon polys*, verbo *Centuria*, dit, Que cest parol *Wapentake* est plus especialment use a cest jour en les Pays ouster le fluve de Trent: Et en les Leyes del Roy *Edw.* (per luy public) num. 33. il est fort plaine en ceux parols, Et *quod Angli vocant Hundredum*, *suprad* *Cōitat* *vocant Wapentakiū*.

Les Statutes *An. 3 H. 5. c. 2.* & *An. 9 H. 6. c. 10.* & *An. 15 H. 6. c. 7.* font mention d *Staincliffe Wapentake*, & *Friendlesse Wapentake* en Craven en le County d *Everwicke*. Veies *Roger Hoveden*, part. poster. Annal. fol. 346.

Warden.

WArden est de mesme significatio cōe est le parol *Francois Gardaine*, & p c' veies pluis en le Title *Gardi-*
des

dein : Mes il est le plus usuel parol en Anglois, p̄ luy q̄ ad le Custodie ou charge de ascun person ou chose p̄ Office ; comē Wardens & Fraternities en Londres, *An. 14 H. 8. c. 2.* Warden Courts, *An. 31 H. 6. c. 3.* Warden del Marches, *An. 4 H. 7. c. 8.* Ferry Warden, *An. 18 Eliz. c. 10. & An. 27 Eliz. cap. 26.* Wardens del Peace, *An. 2 Ed. 3. cap. 3.* Wardens del West Marches, *Cambden Brit. pag. 606.* Warden del Forrest, *Manwood part. 1. p. 111, 112.* Warden del Aulnage, *An. 18 H. 6. cap. 16.* Warden del Armour le Roy en l' Tower, *An. 1 E. 4. c. 1.* Chiefe Warden del Forrest, *Manwood part. 1. pag. 42, 43.* Warden del Wardrobe le Roy, *An. 5 H. 3. Stat. 5.* Wardens des Tables del Exchange l' Roy, *An. 9 Ed. 3. Stat. 2. c. 7. & An. 9 H. 5. Stat. 2. c. 4.* Warden des Rolles del Chancery, *An. 1 E. 4. c. 1, & 5.* Et Wardens & Comunaltie des Terres contributory at Rochester Bridge, *An. 18 Eliz. c. 17.*

Wardmote.

Wardmote est ū terme mention en l' Stat. 32 H. 8. c. 17. & signifie un Court q̄ est ten' en chescun Ward en Londres, & est usualment appel Wardmore Court, ou l' Wardmore Inquest.

dein : But it is the most usual word in English, for him that hath the Custody and charge of any person or thing by Office ; as Wardens of the Fellowships in London, *Anno 14 H. 8. cap. 2.* Warden Courts, *An. 31 H. 6. c. 3.* Warden of the Marches, *An. 4 H. 7. cap. 8.* Ferry Warden, *An. 18 Eliz. c. 10. & An. 27 Eliz. c. 26.* Wardens of the Peace, *An. 2 Ed. 3. c. 3.* Wardens of the West Marches, *Cambden Brit. p. 606.* Warden of the Forrest, *Manwood part. 1. pag. 111, 112.* Warden of the Aulnage, *An. 18 H. 6. c. 16.* Warden of the King's Armour in the Tower, *An. 1 E. 4. c. 1.* Chief Warden of the Forrest, *Manwood part 1. pag. 42, 43.* Warden of the King's Wardrobe, *Anno 5 Hen. 3. Stat. 5.* Wardens of the Tables of the King's Exchange, *Anno 9 Edw. 3. Stat. 2. cap. 7. & Anno 9 Hen. 5. Stat. 2. cap. 4.* Warden of the Rolles of the Chancery, *Anno 1 Edw. 4. cap. 1, & 5.* and Wardens and Communaltie of Lands contributory to Rochester Bridge, *Anno 18 Eliz. cap. 17.*

Wardmote.

Wardmote is a term mentioned in the Statute of 32 H. 8. c. 17. and signifies a Court that is kept in every Ward in London, and is usually called the Wardmore Court, or the Wardmore Inquest.

Warrantie.

Warrantie. *De* Garran-
tie.

Warrantia chartæ.

Warrantia chartæ is a writ that lies for him that is infeoffed with warrantie, and is afterward impleaded in an Assise or other Action in which he cannot vouch; then he may have this writ against the feoffor or his Heir, to compell them to warrant the Land unto him. And see of this Fitz. N. B. fo. 134. D. *De* Garrantie of Charters.

Warrantia diei.

Warrantia diei is a writ that lies in case where a man hath a day in any Action sued against him to appear in proper person, and the King at that day or before employs him in some service, so that he cannot appear at the day in Court; then he may have this writ directed to the Justices, that they shall not record him to be in Default for his not appearing. And see of this Fitz. N. B. fo. 17. A. and for the form of the writ see Glanville lib. 1. cap. 8.

Warren.

Warren is a place privileged by Prescription.

Warrantie.

Warrantie. Veies Gar-
rantie.

Warrantia chartæ.

Warrantia chartæ est un Brief q̄ gist p̄ cestuy q̄ est infeoffe ove Garrantie; & est apres implead en un Assise ou autre Action e q̄ ne poit vouch; doncs il avera cest Brief vers le Feoffor ou son Heire, pur compel eux de garantir le Terre a luy. Et veies d̄ ceo Fitz. N. B. fo. 134. D. Veies Garrantie des Charters.

Warrantia diei.

Warrantia diei est un Brief q̄ gist en case lon hōe ad jour en asc̄ Action sue vers luy d̄ apparee e prop̄ pson, & le Roy a cest jour ou devant luy maund'en asc̄ service, issint q̄ ne poit apparee al jour en Court; donques il poit aver cest Brief direct as Justices, q̄ ils ne record luy destre en Default pur son non appearance. Et veies d̄ ceo Fitz. N. B. fo. 17. A. & pur le forme del Bfe veies Glanville lib. 1. cap. 8.

Warren.

Warren est un lieu privilegié p̄ Prescription.

ou Graunt del Roy, p le preservation del Leverets, Cunicles, Perdices, & Phefants, ou aucun de eux.

or Grant of the King. for the preservation of Hares, Conies, Partridges, and Phefants, or any of them.

Warwit.

WArwit, (ou Wardwit, cōc asc' Copies ad c') est, qui est esse de denariis dandis p Wardis faciēdis.

Warwit.

WArwit, (or Wardwit, as some Copies have it) is, to be quit of giving of money for keeping of wards.

Wast.

Wast est, lou Tenant a terme dans, Tenant de vie, ou Tenant pur terme d'auter vie, Tenant ē Dowry, ou Tenant per le Curtesie, ou Gardein en Chivalry, fait Wast ou Destruction sur la Terre, cestascavoir, sil debrussa Meafon, ou coupe Merisme, ou suffer le Meafon voluntariū p eschier, ou foder la Terre; donques cestuy en le Reverfion avera un Brieſ pur cest Wast, & recovers le lieu ou le Wast fuit fait, & treble Damages.

Et si home coupe Merisme sans licence, & oyelque ceo repaire les anciens meafons, uncore ceo nest pas Wast. Mes sil oyelque le Merisme edifiea un novel meafon, le couper de tiel Merisme est Wast. Auxy le couper de Subboys ou Willows, que nest pas Merisme, ne serradir Wast, si on qe c'effont en le view ou ſciē del Meafon.

Wast.

Wast is, where Tenant for term of years. Tenāt for life, or Tenant for term of another's life, Tenant in Dowry, or Tenant by the Curtesie, or Gardian in Chivalry, doth make Wast or Destruction upon the Land, that is to say, pulls down the House, or cuts down Timber, or suffers the House willingly to fall, or digs the ground; then he in the Reverfion shall have a Writ for that Wast, and shall recover the place where the Wast is done, and treble Damages.

And if a man cut down Timber without licence, and therewith repairs old houses, yet that is no Wast. But if he with the Timber build a new house, the cutting down of such Timber is Wast. Also the cutting down of Underwood or Willows, which is no Timber, shall not be said to be Wast, unless they grow in the sight or harden of the House.

Wharf.

WHarf is a word used in the Statute of 1 Eliz. cap. 11. and other Statutes, and it is a Broad place near a Creek or Hithe of water, upon which Goods and Wares are laid which are to be shipped and transported from place to place.

Wharfe.

WHarfe est un parol use en le Stat de 1 Eliz. cap. 11. & en auters Statutes, & est un Ample lieu procheine al Creek ou Hithe del eau, sur que Biens & Wares sont jects queux sont destre eskipts & transports del un lieu al autre.

Withernam.

Withernam is the Taking or taking of a Distress to a Hold, or out of the County, so that the Sherif cannot upon Replevin make deliverie thereof to the party distrained; in which case a Writ of Withernam is directed to the Sherif for the taking of as many of his Beasts that did thus unlawfully distrain, or as much Goods of his, into his keeping, untill he hath made deliverance of the first Distress. Also if the Beasts be in a Fortlet or Castle, the Sherif may take with him the Power of the County, and beat down the Castle, as appears by the Statute of Westm. 1. cap. 20. Brit. cap. 27.

Withernam.

Withernam est le Pri-sure ou chaier dun Distresse a un Fortresse, ou hors del County, issint q le Viscount ne poit sur Replevin fair deliverance de ceo al party distraine; en ql case un Brief de Withernam est direct al Viscount p le prisel d rants de ses Avers que issint illoyalment distraine, ou rants de ses Biens, en son custody, jesque il ad fait deliverance de le primer Distresse. Auxy si les Avers sont en un Fortlet ou Castle, le Viscount puit prendre ove luy le Power del County, & debrufer le Castle, come appiert per le Statute de Westm. 1. cap. 20. Brit. cap. 27.

Woodgeld.

Woodgeld seems to be the Gathering or cutting of Wood within the Forrest, or money paid for the same to the

Woodgeld.

Woodgeld semble destre l'Collection ou succider d'Boys deins le Forrest, ou arget prise p m al use des
R 2 For-

Forrefters. Et le privilege de ceo per le Grant l' Roy est per *Crompt. fol. 197.* appel *Woodgeld.*

Forrefters. And the immunity from this by the King's Grant is by *Crompt. fo. 197.* called *Woodgeld.*

Woodmote.

Woodmote.

Woodmote est le veil nosme de ceo Court del Forreft q a ore, apres le Statute de *Charta de Foresta*, est appel le Court des *Attachments*, & p ceo Statute est tenu chelcun 40. jours; mes soloit destre tenu al volunt des chief Officers del Forreft, & nemy al afeun temps certain. Veies *Manw. For. Leys*, c. 22. fo. 207. a.

Woodmote is the old name of that Court of the Forreft which is now. Since the Statute of *Charta de Foresta*, called the Court of *Attachments*, and by that Statute is held every forty dayes; but was wont to be held at the will of the chief Officers of the Forreft, and at no certain time. See *Manwood's Forreft Laws*, cap. 22. fo. 207. a.

Woolferthfod.

Woolferthfod.

Woolferthfod est le condition d' uel q fuerot uylage en le temps dels Saxons si nient submitterant eux ms al Justice: car s'ils poient estre prise e vife, ils serroient port al Roy; & s'ils en pavor de apprehension eux mesmes defenderont, ils poient estre tue, & leur testes port al Roy; car ils porteroient le Teste dun wolf, cest adire, leur Teste ne fuit plus destre regard q le teste dun Wolf, q fuit un beast cy tortious al home. Veies l'Leys del Roy *Edouart* per *Lamb. s. 127. nu. 7. & Bract. lib. 3. tract. 2. c. 11.* Ceo est escrie *Wulvesheaved* per *Roger Hoveden*, part. poster. *Annal. fol. 343.*

Woolferthfod is the condition of such who were outlawed in the Saxons time for not submitting themselves to Justice: for if they could be taken alive, they should be brought to the King; and if they in fear of apprehension did defend themselves, they might be slain and their heads brought to the King; for they carried a Wolf's Head, that is to say, their Head was no more to be accounted of then a Wolf's head, being a beast so hurtfull to man. See the *Laws of King Edward* by *Lambert*, fol. 127. nu. 7. & *Bract. lib. 3. tract. 2. cap. 11.* This is written *Wulvesheaved* by *Roger Hoveden*, part. poster. *Annal. fol. 343.*

Week.

Wreck.

Wreck, or Varch, (as the Normans, from whom it came, call it) is, where a Ship is perished on the Sea, and no man escapes alive out of it, and the Ship or part of it so perished, or the Goods of the Ship, come to the land of any Lord, the Lord shall have that as a Wreck of the Sea. But if a Man, or a Dog, or a Cat, escape alive, so that the party to whom the Goods belong come within a year and a day, and prove the Goods to be his, he shall have them again, by provision of the Statute of Westm. 1. cap. 4. made in King Ed. 1. days, who therein followed the Decree of H. 1. before whose days, if a Ship had been cast on shore, torn with Tempest, and were not repaired by such as escaped alive within a certain time, that then was taken for Wreck.

Wreck.

Wreck, ou Varch, (come les Normans, de q il vient, appellont ceo) est quant un Nief est perish sur le Mer, & nul hōe escape vive hors del ceo, & le Nief ou part del ceo issint perish, ou les Biens del Nief, vient al terre de ascun Sñr, le Sñr les avera com ũ *wreck* de l' Mer. Mes si un Hom, ou un Chien, ou Chartre, escape vive, issint que l' party a q les Biens sont veign dans lan & jour, & pve les Biens destre ses, il avera arere, p provision del Statute de *westm.* 1. cap. 4. fait en les jours del Roy E. 1. q en ceo followed le Decree de H. 1. devant que jours, si un Nief ad estre ject sur l' shore, torne ove Tempest, & nemy repaire per eux que escapont en vie deins un certain tēps, donques ceo fuit prise come *wreck*.

Y.

Yard-land.

Yard-land (Virgata terræ) in some Counties contains 20 Acres, in some 24, and in some 30 Acres of land.

Y.

Yard-land.

Yard-land (Virgata terræ) en asc' Counties contein 20 Acres, ē asc' 24, & en asc' 30 Acres de terre.

F I N I S.

Errata.

Page 71. line 8. read *averages* and *averagis*. p. 94. l. 7. r.
board half penny. p. 159. l. 36. & p. 189. l. 1. for *westm.* r.
1788, p. 213. l. 26. dele *to*.

Ex B. & W.

